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Hearing on Waste Management in the San Gabriel Valley: Air Quality Impact of Waste-to-Energy Facility Development

Assembly Committee on Environmental Safety and Toxic Materials

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HEARING ON WASTE MANAGEMENT
IN THE SAN GABRIEL VALLEY:
AIR QUALITY IMPACT OF WASTE-TO-ENERGY
FACILITY DEVELOPMENT

CONDUCTED BY THE
**ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY
AND TOXIC MATERIALS**

OCTOBER 16, 1986
CITY COUNCIL CHAMBERS, CITY HALL
BALDWIN PARK, CALIFORNIA



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CHAIRWOMAN SALLY TANNER

OCTOBER 16, 1986
CITY COUNCIL CHAMBERS, CITY HALL
BALDWIN PARK, CALIFORNIA

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CHAIRWOMAN SALLY TANNER: Before we begin, I would like to introduce Assemblyman Bill Lancaster from Covina, Assemblyman Jerry Eaves from Ontario, San Bernardino, Rialto area...you want to name your district, all of it...no? We expect a few other members to arrive shortly, but I decided we'd better begin because some of our witnesses would like to appear and have other appointments. Before beginning, I would like to thank the City of Baldwin Park for making their City Council Chambers available to us and for all of their assistance in arranging for this hearing. I would also like to thank all of you who are here today for taking the time out from your busy schedule to attend.

This is a hearing of the Assembly Committee on Environmental Safety and Toxic Materials. It is a hearing which will provide valuable information on two inseparable subjects: waste management and air quality.

Los Angeles County residents generate over 14 million tons of trash per year. Right now, most of this garbage is buried in the San Gabriel Valley. If large waste-to-energy plants are built here, in the future much of this garbage will be burned in the San Gabriel Valley.

Which brings us to the other side of the equation: air quality. I don't need to tell you that we have serious air quality problems here. Air quality in the San Gabriel Valley and the Inland Empire is worse than anywhere else in the basin -- probably anywhere else in the nation -- because pollutants are carried to us from coastal areas and trapped here by the

mountains to the north. We really, really do have serious problems.

Our waste management and air quality problems are of great concern to me and to other legislators here in the San Gabriel Valley and the Inland Empire. We must find ways to safely manage garbage, and we must protect the air we breathe from further pollution.

I am joining with other legislators from these two areas to draft waste management and air quality legislation for introduction next year. Today's hearing will provide valuable information for that effort.

We will be hearing from numerous witnesses from state and local government. Following the scheduled witnesses, we will have a public comment period. If you would like to make a statement, please sign your name on one of these cards and give the card to our committee secretary. The cards are at the front podium, so that any of you who wish to comment and are not on the agenda, please pick up a card, fill it out, and make it available. One of the sergeants will pick it up from you and make it available to us.

Thank you for joining us today. On the agenda, we have two people representing Pacific Waste Management Corporation. That's a company that is attempting to build a waste-to-energy plant in Irwindale, and we just heard from both of them, neither of them is going to be appearing as a witness. Generally, people cancel out at least a day before time, but we heard from them this morning. So we won't be hearing from those two people on

the agenda. Are there copies of agendas? There are copies of the agenda at the front, so would you, if you have a copy, delete Steven Broiles and Joseph Schilli from the agenda?

Would either of you like to make a statement before we start? All right.

Our first witness, a local official and our host, is Mayor Jack White from the City of Baldwin Park. Mayor White.

MAJOR JACK WHITE: Thank you, Madam Chairman and honorable members. I do have a statement to make on behalf of Baldwin Park.

On behalf of the Baldwin Park City Council and the community, I welcome you to Baldwin Park. We are pleased that the committee selected this community as the location for this hearing. It is certainly appropriate.

It is my pleasure to share with you our thoughts regarding the impact on air quality in the San Gabriel Valley of proposed waste-to-energy facilities. This has become, and remains, a matter of vital concern to the City Council and to the residents of Baldwin Park.

As you know, the planning for several potential waste-to-energy projects to be located in the San Gabriel Valley continues. We cannot and do not dispute the need to recognize solid waste disposal as a serious long-range problem requiring concerted short-range efforts to chart our collective course of action. We are participating in efforts to study reasonable solutions to the problem. We are far from convinced, however, that the construction of a number of waste-to-energy facilities

in this Valley is the best long or short-range waste disposal solution.

It just doesn't make sense to us to put plants like this in a place which already suffers from some of the worst air quality in the nation. Yet, San Gabriel Valley is suffering from that condition now. We recognize that, by its very nature, the South Coast Air Quality Management District is a regional agency. Yet, it is hard to see how pollution offsets from places like Saugus and Newport Beach are really going to mitigate the added Valley air pollution caused by a waste-to-energy plant in our neighboring City of Irwindale, for example.

Our people are also extremely concerned about the prospect of a next door smokestack emitting known cancer-causing substances such as dioxins and furans. At least two European countries that have a lot more experience than we do in waste-to-energy technology have stopped further plant construction until this issue is resolved.

There is no question that health concerns are a major part of our objection to the locating of such facilities in the Valley. The information available to us tells us that such plants here will unquestionably further degrade our already poor air quality and introduce new risks from such emissions as dioxins and furans.

Despite all our concerns already stated, we do not condemn the concept of waste-to-energy as a contributing solution to solid waste disposal problems. Locating such facilities in less environmentally sensitive areas and transporting the waste

to them seems a much more sensible approach. The added costs of transportation may be quite small when compared to the infinitely greater acceptability of this type of solution. We in Baldwin Park have already committed ourselves to financial participation in studies to further evaluate this approach.

To summarize our position on the matter at hand, we recognize the need for and are committed to participate in finding solutions to solid waste disposal problems. We are open to considering any number of possible waste disposal alternatives including waste-to-energy. We will continue to oppose any alternative solution which we feel is not in the best interests of Baldwin Park and the San Gabriel Valley.

Thank you very much for giving me the opportunity to speak to you this evening.

CHAIRWOMAN TANNER: Thank you very much, Mayor. I want to say that it must seem odd to you for you to be there and for me to be here, huh? Thank you very much. I don't know whether or not Mayor Stuart from Monrovia or Mayor Young from Arcadia want to speak, but if they don't, I want the audience and the members to know that they're here. Would you raise your hands? Our next witness is Mayor John Van Doren from the City of Duarte, and with him is Councilman John Hitt from Duarte.

MAYOR JOHN VAN DOREN: Madam Chairman, I'm very much appreciating the opportunity to be with you today. I feel that with the assistance of your members, but in particular our friendship with you, Sally, for the years that you are working on behalf of our citizens in Duarte, and we feel that you still are,

even though you represent another district, and of course another former Duarte resident and Mayor, Bill Lancaster, we appreciate his interest in our problem as well.

The best thing that I can say for what you're doing, Sally, is what you mentioned in regard to that tri-level bicameral, and most importantly the bipartisan coalition of concerned elected officials at the state and local level to address this concern. Begging your indulgence, I am going to ask that you allow me to have our city's remarks made by Councilman John Hitt elected in April, but he was the founding Vice Chairman of Duarte Citizens Association for Safe Environment, and he will carry our message to you this morning.

CHAIRWOMAN TANNER: All right, thank you very much John. Mr. Hitt.

COUNCILMAN JOHN HITT: Good morning. Chairperson Tanner and honorable members of the California Legislature Assembly Committee....

CHAIRWOMAN TANNER: May I interrupt you for just a moment? I'd like to introduce Assemblyman Dick Mountjoy from Arcadia, Monrovia, Duarte, Irwindale. Thank you.

COUNCILMAN HITT: Thank you. On behalf of the City of Duarte City Council, I thank you for this opportunity to express our alarm at the prospects of the San Gabriel Valley becoming the cancer capital of the world.

It is becoming increasingly obvious to the City of Duarte and apparently to the public officials and residents of the surrounding communities as well, that these proposed garbage

incinerators would have adverse environmental impacts which are, and ought to be, unacceptable to the residents of the San Gabriel Valley, and which far outweigh any claimed benefits which might result from the generation of a small amount of electricity and reduction in the volume of trash.

Each incinerator will create tons of pollutants, such as carbon monoxide, sulfur dioxide, and various nitrogen oxides, the major component of smog. Air quality in the San Gabriel Valley is already the worst in the entire nation. I am confident you will hear that from more than one speaker today.

I have compiled a random list of more specific concerns the City of Duarte has about the proposed incinerators and the threat they pose to the health of San Gabriel Valley residents.

The emission rate estimates for all these proposed facilities are based on data from other plants in other parts of the world, without any evidence that these other plants burn municipal solid waste feedstock which is material similar to that found in the San Gabriel Valley watershed. There has not been, to my knowledge, any full, accurate comparison of our waste supply to that in other parts of the world.

We believe that emission data from these other plants cannot be a valid basis for estimating emissions for the facilities proposed for the San Gabriel Valley. In particular, we believe the emission estimates of dioxins, furans, and other toxic organics have been seriously underestimated. In fact, our own engineering studies, which I will give you copies of today, show that in the case of the Irwindale facility, dioxin and furan emissions may have been understated by 6 to 24 times.

An independent technical evaluation of the health risk assessments prepared for incinerators proposed for the San Gabriel Valley reveals a number of similarities. They all select extremely low emission rates, underrepresent particle size distribution data, use inadequate assessment methodology, and edit it solely for the purpose of convincing the regulatory agencies and the public that garbage incineration will not pose a threat to the health of San Gabriel Valley residents.

The dispersion models used to evaluate the proposed San Gabriel incinerators are inadequate to address the unique atmospheric dispersion characteristics of the San Gabriel Valley.

Specifically, the modeling protocol used fails to incorporate all of the following meteorological and terrain features:

1. A broad valley with significant high terrain on north and south sides, open at the west end, and narrowing toward the east end.
2. The prevailing winds from the west, unobstructed by terrain.
3. Meteorological conditions characterized by frequent atmospheric inversions and persistent stagnation; and,
4. Numerous existing and planned emission sources located upwind.

It is incumbent upon the regulatory agencies to require waste-to-energy developers to recognize the complexities of the atmospheric dispersion situation in the San Gabriel Valley and to develop innovative procedures and evaluation techniques. In

other words, we are saying that the models used up until this time have not been adequate...do not adequately represent the unique negative conditions in the San Gabriel Valley.

The pressure-cooker-like conditions of the San Gabriel Valley described above are particularly worrisome when considering that the dioxins and furans emitted by waste-to-energy plants will not readily disperse, but will linger in the air over the San Gabriel Valley.

Dioxin is 500 times more poisonous than strychnine and 10,000 times more poisonous than cyanide. The actual impact of dioxin on humans is not yet known. However, the Environmental Protection Agency's Carcinogen Assessment Group states that dioxin should be regarded as both an initiator and promoter of carcinogenic conditions. Several scientific reports have stated that the largest source of dioxin will be municipal incinerators.

Developers of these proposed incinerators were originally claiming that dioxins and furans were controllable. Studies within the last year provide increasing evidence that there is no relationship between the emission rates of dioxins and furans and incinerator temperature or residence time, and therefore, it is unlikely that any combustion controls could expect to limit the creation and/or emission of these highly toxic and deadly organic compounds.

Governmental regulatory agencies and health agencies need to determine an acceptable cancer risk level for dioxin and furan emissions. How many cancer cases and deaths will be acceptable in view of the benefits from garbage incineration?

The issue of toxic air pollution created by waste-to-energy plants is particularly important to the City of Duarte in the case of the proposed Irwindale facility. The Irwindale application demonstrates that the point of maximum exposure to air contaminants from the facility would be approximately 2.6 kilometers to the north, or in the immediate vicinity of Valley View Elementary School, which is attended by nearly 500 children and is located in a residential area of Duarte. No one has assessed the risk to those 500 students as they attend Kindergarten through grade 6 located in the area of the greatest impact of the toxins and pollutants from that plant.

The City of Duarte is further concerned in this regard because the operating systems inherent in the mass-burn incineration method make it particularly impossible to adequately examine the wastes dumped directly into the large receiving pots for hazardous wastes. In fact, one San Gabriel Valley plant developer intends to examine one truck per week in order to determine if it is carrying hazardous wastes. Available data strongly suggests that the quantities of hazardous waste contained in residential waste are already large and are increasing. Available data has shown that a ton of residential refuse contains an average of $16\frac{1}{2}$ gallons of hazardous or toxic waste. Thus, the proposed Irwindale facility would incinerate at least 25,000 gallons of toxic and hazardous materials each day. The health risk assessment done by the Irwindale facility has failed to account for any of that hazardous waste.

Many of us in the San Gabriel Valley initially dismissed many of these concerns because we were confident that the South Coast Air Quality Management District would perform according to their state mandate and protect the air quality. However, it has been quite surprising to the City of Duarte that, while the battle for clean air is currently being lost in the San Gabriel Valley, the South Coast Air Quality Management District continues to propose and consider rule changes to ease the construction of still more and larger polluters in the area. While the City of Duarte supports all efforts of the South Coast Air Quality Management District to revise its rules and regulations in order to enhance air quality, we believe that many of the proposed revisions in recent months have been highly antagonistic to the legislative mandate of the air quality district to rapidly achieve and maintain the ambient air quality standards set by the state and federal government. The City of Duarte believes the South Coast Air Quality Management District is seriously performing outside its role when it proposes rule changes to encourage industrial development and trash incineration at the expense of air quality in the San Gabriel Valley.

In view of the existing severe air pollution in the area and the possible public health risks caused by the projects -- particularly those due to emissions of toxic organics and heavy metals -- it only makes rational sense to pursue disposal outside the highly populated area of the San Gabriel Valley. Other locations in less populated areas, such as the rural areas of San Bernardino County and the high desert, should be considered,

along with ways of reducing costs and atmospheric emissions associated with hauling garbage to more isolated sites. In addition, consideration of alternate disposal techniques such as composting should also be considered.

It is becoming increasingly clear to the residents of the San Gabriel Valley that the developer's decisions as to the proposed locations and technology are political and economic in nature, and that environmental and public health considerations are not part of their decisionmaking process.

Garbage incineration is not an environmentally-acceptable solution to any purported solid waste crisis, and a moratorium on all new construction of garbage incinerators is appropriate until there has been sufficient time to study and resolve many unanswered questions, particularly those relating to the potential long-term environmental and health effects of the emissions of these incinerators.

Other speakers that will follow me today will try to convince you, and will use data to show that waste-to-energy plant emissions represent only a small part of our total air pollution in Southern California. But the problem is that we do not live in all of Southern California, we live in the San Gabriel Valley, where air conditions are not like any in the rest of the basin. Our existing air pollution is much worse, and most of the proposed waste-to-energy plants are going to -- if the developers have their way -- be sited in our valley.

Our independent engineering studies have shown that in the San Gabriel Valley, if these plants are sited, we can expect

increases of 1.2 percent in carbon monoxide, 10.7 percent in particulates, 18.8 percent in NOx (nitrogen oxide), and 55.6 percent in sulfur oxide. So if you look at the San Gabriel Valley, in and of itself, which we think ought to be considered in and of itself, not just part of this massive South Coast Air Quality District, I think you'll see that the statistics prove conclusively that these plants will in fact have a major negative impact.

You'll also hear much about offset credits and the Mayor of Baldwin Park has addressed those. Offset credits have two major fallacies to them. Number one, offset credits consist of shutdown credits of plants that have been out of business for more than a year and any so-called improvement in air quality...we've already benefitted from, and so we think it's ridiculous to have a waste-to-energy plant be able to claim credits from a plant that is long since out of business. And number two, offset credits come from such remote areas as Irvine, Carson, Wilmington, Saugus, Riverside, and other areas far, far outside the San Gabriel Valley. In fact, at a California Energy Commission hearing, I heard the builder of the Irwindale plant argue that we should not consider the negative impacts of waste-to-energy plants outside the San Gabriel Valley, such as Long Beach and Southgate, because they will not affect us. And yet, the same developer, when it comes to claiming offset credits says that these offset credits, some of which are a lot further away than Long Beach or Southgate, will have a wonderful positive benefit for us. So we think there's a real inconsistency there

that's being followed by the South Coast Air Quality Management District, as well as the developers of these plants.

CHAIRWOMAN TANNER: Let me interrupt just a second. Your point is that no matter what is done basinwide, it really...the San Gabriel Valley and certainly the Inland Empire, is a different situation. Well, this group of legislators that represent both the Valley and the Inland Empire, which all of us legislators, as a matter of fact, recognize that, and what we are trying to do is put together legislation...a bill that would require sensitive zones to be included in the consideration of where you don't consider the broad LA County or the broad basin area, but those sensitive zones that have to be handled and treated differently. And so we are working on legislation right now that would require that certain areas, certainly the Valley -- the San Gabriel Valley -- and Inland Empire would be considered a sensitive zone, and only certain offsets could be purchased and it would have...those offsets would have to make a difference in those sensitive zones, rather than in the entire basin area. So, we are attempting to address just that subject.

COUNCILMAN HITT: Yes, and we deeply appreciate that, and I feel very strongly that virtually the entire population and the City of Duarte would support you in that, and I think the vast majority of the residents in the San Gabriel Valley and the Inland Empire would support you in that as well. Let me conclude by saying that the City of Duarte, along with six other....

CHAIRWOMAN TANNER: Just a moment. Assemblyman Lancaster has a question.

ASSEMBLYMAN BILL LANCASTER: I apologize for interrupting you, but I want to clarify one point. First of all, this study that the City of Duarte conducted...what was the name of the firm?

COUNCILMAN HITT: Aerovironment of Monrovia.

ASSEMBLYMAN LANCASTER: I see. And has this study been made available?

COUNCILMAN HITT: Yes, I have it here to give to you today.

ASSEMBLYMAN LANCASTER: Let's clear up something perhaps. Now, when this testimony was given by Pacific Waste Management, they're the ones who said not the Air Resources Board relationship to the inconsistency you pointed out. You pointed out for example that Pacific Waste Management...is that the one who said...dont worry about other areas, because we're not going to affect them, but if you come from another area with an offset, that's going to be a benefit to us. They're the ones who said that, not the air district.

COUNCILMAN HITT: I should add that at that particular CEC hearing, that statement was made by Pacific Waste Management representatives, but it was not challenged by the AQMD representative.

ASSEMBLYMAN LANCASTER: It was not challenged by them at the time? Well, I guess one of the questions is then we'll have to ask Air Resources or somebody like that when they come before us what the policy is. But I want you to know, it's pretty difficult, I'm sure, and Mr. Eaves would attest to the fact that

the people in Riverside don't buy that argument from the San Gabriel Valley. In other words, they think a lot of the pollution that comes from here to there, is that correct?

COUNCILMAN HITT: Oh, sure.

ASSEMBLYMAN LANCASTER: But they're saying don't worry about Riverside because we have an offset coming out of Torrance.

COUNCILMAN HITT: The same statements I made in regard to the San Gabriel Valley would apply equally as well to the Inland Empire area. In other words, if they were going to plan to put a plant or any pollution source in the Inland Empire, we think the credits should come from the Inland Empire area to benefit their air. We do not agree, as Mrs. Tanner has suggested with this total big package approach in ignoring the....

ASSEMBLYMAN LANCASTER: But you made another point that's equally valid, and that is that these are plants that have been closed for more than one year. So we've already received the benefits. So therefore if the offset is then put back in place, then that benefit would cease to exist.

COUNCILMAN HITT: Correct. We do not think that there should be any allowance or credit for offset credits on plants that have been shut down previously. You mentioned our study...we along with six other San Gabriel Valley cities recently commissioned an independent study of waste-to-energy facilities proposed for the San Gabriel Valley. The study was conducted by Aerovironment of Monrovia, California and has three parts: groundwater impacts, engineering aspects, and air pollution impacts. I'd like to present the members of this commission with a copy of that study. Thank you very much.

CHAIRWOMAN TANNER: Thank you very much. Ladies and gentlemen, generally we don't applaud or react in any such manner. I appreciate your approval, but I would prefer if we wouldn't react to any of the testimony, whether we're in favor for it or against it.

MAYOR VAN DOREN: Thank you. In final passing, I wanted to acknowledge...my roster did not indicate the names of those that would be here today, and I am pleased to have our own Assemblyman Dick Mountjoy here to hear our remarks and to share our concerns and I am also pleased that he's helping you in formation of that coalition. It's going to be very important that the two sides of the aisle get together and help us in our local areas. Thank you once again.

CHAIRWOMAN TANNER: Thank you. We really don't have any problems on the two sides of our aisle on issues that affect our areas, and we've managed to work together very well. I think that Mayor Stuart would like to have a word.

MAYOR PAUL STUART: Thank you for the opportunity even though I didn't sign up. A year ago, I spoke and wrote an article on this subject, and it was published in the Star News. This morning I picked up that same article and reviewed it to see if possibly I hadn't changed my mind, or if the studies made during the past year clarified things for me that I, in my ignorance, might not be aware of. And may I beg your indulgence to see if this situation which was back in October of 1985 still maintains.

The article said briefly that in my view an extremely critical issue faces not only the City of Monrovia, but the entire San Gabriel Valley. The need does exist to employ the best possible technology in disposing of our refuse. Converting it to viable energy is also a distinct plus. Installations such as the one proposed for the City of Irwindale may very well be the best present "state-of-the-art" for this purpose. As a director of a sanitation district, I appreciate its necessity and value. This is particularly true because LA County is in dire need of new landfill areas to replace those that are rapidly being filled and facing close down in the near future. That is the issue that I and other directors of the sanitation districts are facing, and which we will have to find acceptable solutions to. Locating the Pacific Waste Management's refuse-to-energy incinerator in the heart of the San Gabriel Valley, however, is not an acceptable solution.

More Stage One alerts occur in our Valley than almost any other comparable section of California, and I think that's been amended to almost any other comparable section in the United States, presenting widely accepted threats to the health and general welfare of thousands of our people. In addition, compounding the problem is the toxic waste danger throughout our nation, which the San Gabriel Valley is also seriously involved with.

Now there are those of us who believe, and have suggested that a project the size of that slated for the Irwindale area, could be located in much less densely populated

areas, for example, desert areas. The argument against this suggestion is that it would not be cost effective. Some claim that people would not be willing to pay the increased fees to transport their refuse to a safer area. In a random sampling of 54 Monroviaans to whom I posed the question, 43 readily agreed that they would be willing to pay their fair share in increased fees, eight invoked Proposition 13 and would not be willing, and three were noncommittal.

MAYOR STUART: For the City of Irwindale, the \$395 million dollar project means approximately \$4 million in property taxes, plus substantial revenues from fees to be collected from refuse brought to the incinerator. Pacific Waste Management who was planning the construction of this project told us originally, and this is almost two years ago when they came to see me, that they needed most cities signed to contracts for their services by January 1st of last year in order to get their bond issue approved. Well apparently they didn't need all of that because they got approved and I understand it's all in escrow and sold. I can be corrected if that's incorrect.

CHAIRWOMAN TANNER: I'm curious as to how that works, I'd like to find out myself.

MAYOR STUART: I'd like to get someone who is expert in the bond area to explain it. They've not yet contracted with the majority of cities involved nor received any of the necessary permits in all this time, including the year past from when I'm reading this from the county, state, and federal agencies as required by law including a license from California Energy

Commission. Recently, this is a little over a year ago, an article revealed that the proposed plant will spew forth 991 tons of nitrogen dioxide annually into this region's air -- even though the air quality standards established at 40 tons per year for safety sake. The Environmental Protection Agency indicates further that ten pollutants will exceed their maximum standards and those are sulphur dioxide, carbon monoxide, non-methane hydrocarbon, mercury, beryllium, lead, vinyl chloride, hydrogen sulfite and small particles of ash. Above and in addition to that, the plant will emit over a dozen heavy metals, for which the federal government has as yet established no objective standards, and there is still a health concern.

I might add that happily, the two gentlemen present here today, Assemblyman Mountjoy and Assemblyman Lancaster along with Congressman David Dreier are strongly in opposition to this project and have supported most of our efforts to continue down that road.

On July 29, 1985 a broadcast on KHJ-TV stated that "by 1990 California will have spent forty billion dollars in reducing and controlling toxic chemicals and have caused the deaths of an estimated 2,500 people." Question, do we need to continue exposing people to additional hazards? .

And as Mayor of the City of Monrovia, I voice now as I did then, a resounding 'no' and hope that other elected officials not only local but statewide will support the efforts to put a halt to this development.

I wound up by saying it may still be the best present state-of-the-art, but then if it is, it shouldn't be located in a center of population where it can do damage to people. Because the underlying and basic thing about all of the efforts we're putting into this rest on this fact, "people, not dollars, are our most important product." Now as a footnote to that -- I am a member along with probably 27 other mayors of the San Gabriel Valley Association of Cities. We have created this year a task force which has scheduled six meetings during the year. We are collating and gathering together information. This is a long range project and we hope to complete it within the year, information not only on incinerators, but on toxic chemicals, hazardous waste and underground water problems. At the end of this year, this organization which represents practically all of the cities in the San Gabriel Valley will have reduced to a constructive form the results of that kind of research. And we should be prepared to offer to the state legislators some practical alternatives to not only waste-to-energy disposal, but also to the problems created by toxic waste disposal and its threat to our underground water supplies. I understand we have some thirty thousand units to be investigated in the next year or two -- there are about four thousand faulty gasoline tanks and other sources of contamination for underground water in this area. Hopefully at the end of the year that information will be in place and we'd be delighted to get contributions from any legitimate source that will help us in that pursuit. If you have anything like that I speak as President of the San Gabriel Valley

Association -- we'd love to hear from anyone who can contribute towards that end so that we can have not only an immediate solution to the imminent but we're also hoping for this long range thing that will give us some sensible and constructive and perhaps not overwhelmingly expensive solutions to procure some of these ills. I don't have anything else to say except thank you for the time. This is repetitive I realize but as I said after rereading it after a year's absence nothing has changed. To my knowledge the people who want to build that unit have still not obtained any of the permits they need and we've been horsed around long enough -- pardon the reference to being horsed around. So, thank you for the time and if you have questions I'll hang around for a few minutes and answer them. Bill do you have something?

ASSEMBLYMAN LANCASTER: I do, Ms. Tanner, may I ask Mayor Stuart a question?

CHAIRWOMAN TANNER: Yes.

ASSEMBLYMAN LANCASTER: Now, you're the President of the San Gabriel Valley Association of Cities. Do you know of any community within the San Gabriel Valley or any private contractor that has signed an agreement with Pacific Waste Management for delivery of their waste to that facility?

MAYOR STUART: Not a one. There is a suspicion that the city of Pasadena is playing footsie and dancing around the problem but on close questioning of one of their board of directors he says, "well we haven't done anything and we probably won't." But you can't seem to get a direct answer, supposedly

they're going to get \$25 thousand dollars for having some kind of stuff attached to their existing burners there.

ASSEMBLYMAN LANCASTER: Well I bring it up because of the fact that you know one of the things that a facility like this would require is obviously a large garbage supply. But no community within our immediate area that you're aware of has come to any agreement whatsoever.

MAYOR STUART: No, no.

ASSEMBLYMAN LANCASTER: Probably nor are they likely to, I guess I can make that kind of a bold statement.

MAYOR STUART: Hard to say.

CHAIRWOMAN TANNER: We're going to have a member of the Energy Commission here as a witness and perhaps that information could be available to us. I don't know whether or not but...

ASSEMBLYMAN LANCASTER: Well thank you very much, I appreciate that to your knowledge there is none.

MAYOR STUART: Thank you Bill.

CHAIRWOMAN TANNER: Thank you very much, Mayor Stuart. Our next witness is Councilwoman Nancy Manners from the City of West Covina.

COUNCILWOMAN NANCY MANNERS: Good morning and thank you very much Chairwoman Sally Tanner and the Committee for giving us this opportunity for having this hearing and giving us this opportunity to discuss the problems of waste management and particularly of waste-to-energy in this Valley. I also want to commend you Sally for your dedication and for your fine record of leadership in this whole area and your continuing efforts on

behalf of environmental concerns. And in my book you've earned an "A" for effort and "A" for performance.

CHAIRWOMAN TANNER: Thank you very much.

COUNCILWOMAN MANNERS: I also want to commend the Assemblymen present for their participation, for their ongoing interest, and particularly Bill Lancaster who's still an able Assemblyman in the district that I was lucky to be in until I got even luckier and the rearrangement put me in Sally's district. But I do want to acknowledge Bill.

ASSEMBLYWOMAN TANNER: I want to interrupt for a second -- there was a time before I was elected to office that Bill claimed that my kitchen... and this was when I lived in Duarte, that my kitchen was in his district and the bedrooms were in Harvey Johnson's district and I registered for my bedrooms.

ASSEMBLYMAN LANCASTER: You know at one time Ms. Tanner was represented by me and she was as lucky as you were.

COUNCILWOMAN MANNERS: Well I'll buy that Bill. I'm here today to represent the views of the city of West Covina regarding waste management and air quality impacts of waste-to-energy facilities in San Gabriel Valley. As you know West Covina has been in the forefront of involvement in trying to find solutions to waste management problems. We have done much in our commitment including establishing a special city commission solely to help us work out our own waste problems. We have a major division head whose time is almost entirely devoted to city wide and county wide and regional matters of waste management.

Earlier this year, as has been stated before, West Covina and the cities of Baldwin Park, Covina, Duarte, Arcadia, Monrovia and San Dimas, commissioned a study to address the subject of waste-to-energy facilities in the San Gabriel Valley. This study performed by AeroVironment of Monrovia examined the proposed Irwindale plant in detail and in the context of the proposal to construct other plants at Spadra and Puente Hills. The study took a close look at engineering aspects of waste-to-energy technology including available means of controlling emissions, air quality impacts of proposed plants in the south coast air basin and water quality and supply impacts on the San Gabriel Valley in light of the large amount of cooling water needed to operate waste-to-energy facilities. The air quality study indicated to us that measurable increases in air pollution would occur in the San Gabriel Valley with a development of 13 thousand tons per day capacity as proposed for Irwindale, Spadra and Puente Hills. Oxides of nitrogen concentration would increase from 35 to 45 percent. Sulphur dioxides from 30 to 40 percent; carbon monoxide from 1 to 2 percent, and particulates from 9 to 10 percent. In order for these plants to be approved it will be necessary to obtain sufficient offsets but in recent months there has been a growing concern with the manner in which these offsets are applied. West Covina feels that offsets should be required in full and that all offsets be obtained from the closest proximity possible. Offsets achieved from great distances do very little to help clean the air in the immediate vicinity of a large new source, particularly

when the new source is located in a populated area. Moreover, any proposed waste-to-energy facility should be required to apply the best available control technology to comply with air quality regulations including retrofitting of plants with new technologies as it advances. In the South Coast Air Basin especially waste-to-energy facilities must be thought of primarily as waste management facilities, not energy producers. Turning waste into useful resources is, of course, highly desirable, but the importance of waste-to-energy is primarily as a waste management facility, and not as a power plant. As such, the fragmented approach towards the permitting and operation of these plants must be resolved. I do not imply that the California Energy Commission has not done its job with respect to the Irwindale proposal. The Energy Commission is to be commended for the time and sensitivity it has devoted to considering this project. But I must point out that we need a highly coordinated unified approach to waste management, including waste-to-energy, in order to solve our waste management crisis.

Finally, waste-to-energy facilities must be sited to achieve an equitable distribution throughout the county -- not all in one place. No one should have to bear the burden for everyone else's waste. Appropriate sites can be found in the industrial areas of this county which will allow reasonably sized plants to be economically feasible and close to the source of waste generation. Our major concern is air quality. In addition to solid waste, this Valley receives the bulk of emissions from the county based on natural airflows. Thousands of motor

vehicles traverse this Valley with commuters, interstate trucking, and others just passing through. And we all know that motor vehicles are the primary source for most of our air emissions. We need more thorough and more comprehensive emission controls on buses, trucks, and automobiles if we are ever going to win our air quality battle. But that aside, air quality must not be sacrificed for the benefit of solving other problems. It doesn't make sense to solve one problem and create another. However, today's regulatory structure is not conducive to a holistic approach, instead there is fragmentation. The public confusion about who has the primary jurisdiction over waste-to-energy facilities needs to be eliminated. The roles of the California Energy Commission, the California Waste Management Board, the California Regional Water Quality Board, and the Air Quality Board Management districts need to be unified. We believe this means a single agency for waste management in California. It means a unified approach towards a single goal, the management of our waste in an environmentally sound and economically responsible manner given the impacts on the air, land and water of this state. We live in a total ecosystem, we all rely on all three elements: air, land, and water and we need to make sure all three are protected with due consideration to the impacts on all three. We can't have each agency worry about their particular area of concern without coordinating with the rest of the ecosystems. A single agency to make such decisions is a far better approach than today's fragmented decision making.

As has already been stated, the San Gabriel Valley Association of Cities has formed a waste management task force of elected officials from 27 cities of the Valley. This task force is committed to identifying and assessing alternatives for disposal of waste in light of our impending landfill shortage. I cannot say at this point what our findings will be ultimately. I can, however, point to this as an indication of the degree of concern we all feel on this issue and it is only through this kind of concerted action, through a willingness to explore every avenue, to be open to every possibility, and to be willing to use every feasible alternative possible. Only by being willing to accept our fair share of the burden of waste disposal can we avert the waste crisis that inevitably awaits us. We must all pitch in now to solve our waste management problems, and this means at all levels -- state, county, city, and every person in this state. Because the more than 40 thousand tons of nonhazardous waste produced each year in Los Angeles County alone is becoming a crisis situation just as hazardous wastes are today. And the next few years there will probably be no landfill space for more than half of our current solid waste.

There must be a commitment made now to devise and implement a waste management plan that will address all issues: 1) to reduce the volume of waste by reappraising our elaborate product packaging; 2) curtail our reliance on throw aways, especially nonbiodegradable products; 3) recycle paper, glass, metals, and other available resources at the point where they come together, the homes, the businesses of our cities; and

4) reduce the volume of the remaining waste through treatment processes and appropriately sited waste-to-energy facilities. We do not oppose waste-to-energy, we just want it to be in proper areas. And lastly, provide secure landfills for the final end products of the process and other nonhazardous wastes. We must reverse our wasteful use of our valuable resources, we must stop being a throw away society. Every one of us is responsible for the waste management crisis we are facing and each of us must shoulder some of the responsibility.

The nonhazardous waste problems will not disappear. Either we reduce through our new technologies the volume of our waste and bury the residue, or the waste will bury us.

CHAIRWOMAN TANNER: Thank you very much. I think it's really exciting that the cities are getting together and really addressing all these subjects because I think working together with the cities and the legislators who represent those cities, we'll get some very very positive work done.

COUNCILWOMAN MANNERS: Thank you and I really commend you to the Assembly for creating this coalition. I think this is the beginning of great things to come. Thank you.

CHAIRWOMAN TANNER: Thank you very much. If there is a Jill Lawrence in the audience would she please call Assemblyman Hill's office and ask for Linda. Our next witness is Charles Carry who is the Chief Engineer and General Manager of the Sanitation Districts of Los Angeles County.

MR. CHARLES CARRY: Good morning Madame Chairwoman and members of the Committee. I have the pleasure I might say of

following some of my bosses who are the mayors of the cities that govern the Sanitation Districts. I certainly want to start off by telling you that the Sanitation Districts is basically comprised of the cities of Los Angeles County. We represent in total some 76 cities, spread across the county. We're involved in the waste water system, we're involved in solid waste management, and we're involved in trying to solve our hazardous waste problems within the county. I think the question of why we're here today kind of goes back to similar types of discussions in hearings that have been going on for some 15 years. As we were talking about what to do with solid waste through the 1970's there was a constant clamor that we find something else to do with solid waste other than continue to bury it in landfills. So we did set out to make a careful evaluation of what could be done with solid waste. We looked at it carefully from the standpoint of recycling number one. We all agree that if we minimize the amount of solid waste we have, we have less of a problem. We also looked at it from the standpoint of what other technologies -- and this goes back to the '70s -- are possible to be used. And we did take a very serious look at refuse-to-energy. And at that time, I think with the approval of our Board of Directors, we set about to devise a comprehensive plan that not only would solve the solid waste problem but it would have as a premise that we would not create other environmental problems at the same time. I think that was the premise ten years ago, it's the same premise today that we move forward with any of our proposals. We are not here to solve our

solid waste, waste water problem, hazardous waste problems, and create some other equally adverse problems. So that is our premise, and in every project that we are proposing has that as its underpinnings.

CHAIRWOMAN TANNER: All right you refer to your plan -- your plan includes what other alternatives to solid waste management other than landfill? And are there alternatives other than landfill and waste incineration?

MR. CARRY: Well certainly recycling is, and there are many things that we have done in that regard. I was going to mention them later but I will mention them right now -- we do operate recycling centers at the landfills, we have been involved in recovering metals out of the landfills, we have done composting, we remove cardboard, we have a major wood waste diversion project going at this time that we have high hopes for. We exchange mailers or newsletters basically to people who come in the site that try to tell them where there's materials available, who's looking for what, and what you have to do to not let it ever get into the waste stream in the first place.

CHAIRWOMAN TANNER: How do you go about composting? Do you have people separate those materials that can be composted?

MR. CARRY: What we have concentrated on first of all I have to tell you, let me get to the other end. We're anxious that all of these things be done. In total we estimate that these will amount to something like 10 to 15 percent of the waste stream. I don't want to mislead you by saying this is the alternative to landfills and refuse-to-energy. I can't say that.

As far as composting is concerned, we have looked at trying to compost the most readily compostable materials in the landfills as they come in. In other words separate loads out that are heavy in garden type waste, compost them in the landfill, concentrate on that. Again, I have to tell you the problem is what is the market for the compost once we have done it. Others have done it, other cities and the projects usually die for lack of a market. And in all honesty, what we do is compost it and then bury it in the landfill. Now if we're going to be successful in that, we would have to have markets developed. For instance, one of the ways that we think this could be done, the cities themselves could all agree in the first place that wherever they have needs for any type of mulching material, that they would agree to use composted waste either from our landfills or generated within their own cities. That will has not been demonstrated yet. The cities basically do not do that and that is at least one thing that could be done to minimize the amount of waste that is going to reach our landfills. Again, I can tell you the same thing -- it's a matter of economics, economics certainly play some role when we separate the ... for instance we invite people to separate cardboard. We basically have private people who do that as a business, they come in and separate cardboard, depending on what the market is, and when the market goes down they walk off and there's nothing basically we can do about it. So there are market forces at play at the same time as we're talking about this. But all of these things together can reduce the waste 15 percent.

CHAIRWOMAN TANNER: It seems to me that when you're considering alternatives and you've described some of the difficulties for instance with composting, it seems to me there's a lot more difficulties with incineration. I mean it's very expensive, it's certainly difficult to site those facilities, and it seems to me in this sanitation district someone should be able to find a way to find a market for the material that's composted, find a way to allow the public to perhaps separate their cuttings and grass and those things that could be composted. It seems to me that that would be a cost affective thing to do as compared to some of the other alternatives.

MR. CARRY: Well Ms. Tanner I don't disagree with that. I don't think it's one or the other, and that is usually what we come down to, that why don't you do this rather than that. We think we have to do all of them.

CHAIRWOMAN TANNER: I don't think I'm suggesting that, but I think all of them need to be done and it seems to me are we doing enough of for instance the composting?

MR. CARRY: I'd say no. Nor are we doing enough of home recycling. And I might say as far as the Sanitation Districts are concerned, we do not want the materials coming to our landfill. We're not anxious to have our landfills closing every day to have more material to come in to use up capacity, that's not our objective. At the same time, particularly in the area of home collection, the Sanitation Districts have been precluded by law from being involved, obviously the private haulers don't want us involved. We are not involved, the cities are involved, the

cities generally contract with a private hauler. The cities are going to have to agree to do the home recycling. Now again, it's hopeful the cities are working together on this. I would hope the first thing they would do would be to agree to home recycling programs which they will find immediately will cost money. It will be a more expensive system than they now have, but it will reduce our dependence upon landfills and refuse-to-energy. We couldn't agree more. And as far as refuse-to-energy is concerned, there is nothing better for the refuse-to-energy plants than to have the cans and bottles taken out in the first place. We're not anxious to have them come in. So it really all goes together, the problem is how we do we get to that point. After we have accomplished the home recycling, the composting, the metal separation, what we're saying is that we still have a massive wastestream in Los Angeles County that we have to decide about. Are we going to go strictly to landfill? Are we going to export it? Are we going to have some combination? Our point of view has been that some refuse-to-energy facilities, of reasonable sizes, that are well designed, that do not create air pollution problems, are appropriate, and that's what we have been suggesting.

Now, specifically, I might say that the Sanitation Districts are involved in refuse-to-energy facilities. Starting here in the San Gabriel Valley, it's Spadra, Puente Hills Landfill....

CHAIRWOMAN TANNER: Could you tell us what the status of the...for instance, the Puente Hills....?

MR. CARRY: Well, I can tell you the status of each of them.

CHAIRWOMAN TANNER: Yes, do.

MR. CARRY: I was going to do that. That is one of the questions I was asked to respond to.

The Spadra Landfill, I might just start out, which is in the City of Pomona and also within some county territory and adjacent to the City of Walnut, is, I think, a very intriguing, interesting situation, one we should all be very excited about. Cal-Poly is our partner in that venture, and what we have looked at is, in the long range, what we are going to do for the east end of the San Gabriel Valley as far as solid waste disposal. We have limited landfill capacity. What we did was work out an arrangement with Cal-Poly whereby some of the Cal-Poly property is being used for extended landfill. We are also proposing a thousand-ton-a-day refuse-to-energy facility to be built at Spadra, and that Cal-Poly and the local cities would be, in effect, partners in this venture.

So, Spadra has received all of the local land use permits. It has received a -- as far as refuse-to-energy, a finding of conformance with the state plan and, at this point, the refuse-to-energy facility air quality management district permit is the outstanding permit that must be secured. So Spadra is in, basically, the final stages of permitting, and it does require an Air Quality Management District Permit at this point in time. Other than that, we would anticipate moving forward with the cities at that end of the Valley. Using that facility,

it would extend the availability of refuse disposal to the east end of the Valley for as many years as we decide that the refuse-to-energy facility can be run, which is normally, probably, 25 years or 30 years, as far as the bonding. So Spadra is coming along.

Cal-Poly, again, is a partner. You should be aware that we are talking about a major research effort. Along with Cal-Poly, it's going to be a student opportunity as well. That is well underway in the planning stages. The entire (in this case) landfill final land form is being designed by Cal-Poly by their various departments and will be used for educational purposes. We will be building laboratories that they will participate in. They will do research work in terms of landfills, reclaimed water, gas-to-energy, waste-to-energy. It's really kind of an exciting opportunity.

CHAIRWOMAN TANNER: How much trash do you expect to burn? Did you say?

MR. CARRY: One thousand tons-per-day. The site presently receives, I might say, approximately, on the average, almost 3,000 tons-per-day. The proposal was for 1,000 tons-per-day of refuse-to-energy, the remainder to continue to be landfilled.

CHAIRWOMAN TANNER: And Puente Hills?

MR. CARRY: Puente Hills. There's an Environmental Impact Report that's been underway that evaluates two different sites in a range of possible tonnages from 2,000 tons-per-day to 10,000 tons-per-day. And we can get right to it. We've been

criticized for that. There's no doubt about it. I think, to the contrary, that we should be praised for that. The point is, that what we are trying to do is evaluate the total project that we might ever have in mind at any point in time. We're criticized for not planning into the future. We're criticized for not laying all our cards out front. We are laying all the cards out front, evaluating the environmental impact....

CHAIRWOMAN TANNER: I think you're being criticized for a number of things. I don't think we criticize you for laying your cards out in front. We are, many of us are, critical of the fact that there are two facilities, yet the Puente Hills Landfill is one facility, and it just seems to me a way to get around the requirements of the limits for the 50 megawatts. It's hard for me to believe that that isn't one facility that we're really talking about.

And the other thing that people are quite critical about, is the amount of trash...how much trash is generated within that area and how much trash is being brought to that area to manage? I think that we're quite critical, those of us that live here, are quite critical of that problem...that we are accepting a great deal more trash than what we generate. The fair-share problem is as Ms. Manners mentioned it, other speakers mentioned it, and certainly our coalition is very concerned about fair-share...and can you tell us how much?

MR. CARRY: Those are two quite separate issues. Let me finish on your last point, on the fair-share. Of course, we do not encourage that all the trash be brought to Puente Hills

Landfill, either. We agree that we should solicit a more uniform distribution of the disposal of trash. That has been our objective as long as I've ever been involved with the Sanitation Districts. Toward that end, we have -- when it comes to refuse-to-energy, the first places that we looked and the first proposals (that, I might say, go back 10 years) were really in the Long Beach-Commerce area, the southwest portion of the county. Those were the very first proposals. We did, later, move toward proposals that, apparently, aren't as popular.

The problem with the disposal of the trash has been one where we, the Sanitation Districts, are certainly subject to local permits. If we really look back in the 1970s, the problem at that point in time is that all the trash was going to the west-side of town. We operated the Palos Verdes Landfill, the Mission Canyon Landfill, and there were other facilities in the San Fernando Valley. At that point in time, not very much was really going to the San Gabriel Valley. So, it was going in the other direction. Courses changed. Some sites closed. Palos Verdes simply ran out of capacity. We had filled what we had left to fill.

Particularly, the thing that sent this on a downhill spiral was the denial by the City of Los Angeles of the application for the Mission Canyon Landfill. The Mission Canyon Landfill is in an ideal location within this county to serve the west-side of Los Angeles County. It could be run certainly as efficiently as our other landfills. The City of Los Angeles, up to this point in time, has not been willing to grant that.

Now, your point and, again, this is something someone else asked, what are we doing to try to...you know...how are we going to get it somewhere else? I might say that we still have public property owned at Mission Canyon.

CHAIRWOMAN TANNER: I did. And I shouldn't have interrupted you, because I wanted to hear more about the status of the facilities in Puente Hills.

MR. CARRY: I'll get back to that.

CHAIRWOMAN TANNER: Okay.

MR. CARRY: I think, though, that this is a very important point, a very difficult public policy question.

We own public property in Mission Canyon. We own a substantial amount of public property; property bought with public funds for the purpose of using it for landfill. We are faced, right now, with the possibility that a private developer will build houses immediately adjacent to the area that we want to use for landfill. It is not like most of our landfills where there's some separation. I mean immediately adjacent. I think, at this point in time, we're talking to that developer about, in effect, buying him out, some type of lease, so that he will not build. It will take another contribution of public funds to be able to purchase that property. And the question is, should we risk those public funds with no guarantee of a permit from the City of Los Angeles in the future, mainly for the reasons that you are asking me? Why don't we at least find some other places to take this, rather than all coming to Puente Hills and the San Gabriel Valley. The County of Los Angeles and Sanitation

Districts are, at this point in time, thinking very favorably of committing those public funds, with no guarantee of reimbursement, so that we can maintain that option on the west-side of town, should the point in time come that the City of Los Angeles realizes how serious this problem is, and changes their mind about granting the permit.

So, there are efforts going on that I'd say are a direct reflection of your desires for the people in the San Gabriel Valley, that we find some other direction and take a fair-share. So, that is going on. I might also say, as far as the Long Beach Refuse-to-Energy facility, I want you to know that the Sanitation Districts are, at this point in time, working with the City of Long Beach to see if we can't help them be able to expand the facility that they now have underway. There is the possibility of putting in another boiler and being able to take in more trash. I am in discussions with local cities there, now, and trying to work with them, and convince them that it would be desirable to relocate their trash, and instead of going to Puente Hills, as it does now, to divert it to the SERRF project. So, those are some of the efforts that are underway. Getting back to Puente Hills....

ASSEMBLYMAN LANCASTER: Mrs. Tanner?

CHAIRWOMAN TANNER: Yes, Mr. Lancaster.

ASSEMBLYMAN LANCASTER: The Mission Hills. Is that correct? Mission Hills?

MR. CARRY: Mission Canyon.

ASSEMBLYMAN LANCASTER: Mission Canyon. This is a proposal that you now...property you now own. Is that correct?

MR. CARRY: That's correct.

ASSEMBLYMAN LANCASTER: This is property you now want to put a cut-and-fill refuse disposal site on. Is that correct?

MR. CARRY: Yes, that's correct.

ASSEMBLYMAN LANCASTER: Why are you not considering, on that property, a waste-to-energy burner?

MR. CARRY: Well, that may very well be. There is sufficient property there to consider waste-to-energy. At this point, we are not precluding that option, either. In other words, we are not in a specific application phase. We are simply trying to decide whether to purchase private property to maintain any options. So, that is one area. It's somewhat complex. There's an older area that has already been used for landfill that, basically, has refuse that we would continue to use for cut-and-fill. There's another undeveloped area that could, conceivably, also have refuse-to-energy.

ASSEMBLYMAN LANCASTER: Let me phrase it another way. You have closed facilities in the San Fernando Valley. Is that correct? Or the eastern part of the county? Western part of the county?

MR. CARRY: There are closed facilities, yes.

ASSEMBLYMAN LANCASTER: Why are you not using those for waste-to-energy burners, instead of just closing them up?

MR. CARRY: As far as the Sanitation Districts closed facilities, there are, basically, two. One of them is the Palos

Verdes Landfill. There is -- the Palos Verdes Landfill does not have the solid ground required to build a refuse-to-energy facility. In other words, it was designed as a golf course, recreational area, at the completion of filling, and there is no ground there to build a refuse-to-energy facility. As far as....

ASSEMBLYMAN LANCASTER: With the modern construction and the technique that's available...they claim to be available today -- you're saying to me that you have to go out and actually -- well, not in your case, but actually there's efforts to acquire new property that's not been utilized for that purpose before and try to develop, instead of utilizing what property is available? You're saying, technologically, you can't do it? What...seismic problems? You're saying that the ground stability...

MR. CARRY: You cannot build a permanent structure on a completed landfill. We have never....

ASSEMBLYMAN LANCASTER: What about Puente Hills? Is that not a landfill?

MR. CARRY: Well, there is solid ground there that does not have refuse placed on it. The point I'm making is that refuse has been placed on all of the available property at the Palos Verdes Landfill.

ASSEMBLYMAN LANCASTER: So, there's no consideration, whatsoever, on the other part of the county for these types of facilities being built?

MR. CARRY. No, I simply said that at the Palos Verdes Landfill there's no proposal for that. In that area of the county, yes, we are seeking a site to build a refuse-to-energy

facility in the southwest portion of Los Angeles County. That would be on other property that is not connected with the landfill.

CHAIRWOMAN TANNER: All right. Continue.

MR. CARRY: Regarding Puente Hills, I guess, first and foremost, it does bother me that you say you cannot understand that this is not an objective application that we have made for the 2,000 tons. I can tell you that, categorically, because I made the decision, that there is absolutely no reason, no attempt, to work around the California Energy Commission for why we chose two sites. That is absolutely not true.

CHAIRWOMAN TANNER: Why did you?

MR. CARRY: The reason we chose two sites -- you need to understand the history of it. We did look at one site to start with. The homeowners and, ah...suggested to us that there was at least one other site that was equally advantageous for refuse-to-energy facilities on the Puente Hills property. We looked at it. It is not as good a site, but it is a potential site. And we, therefore, expanded our look at this whole question of refuse-to-energy to both of the sites. What we have done is evaluate combinations of facilities at both sites, both within the Puente Hills Landfill property, about a mile-and-a-half apart. We looked at a range of anywhere up to 10,000 tons-per-day at each of those two sites. It is conceivable to us that the best environmental answer would be to build some size, whatever that's to be determined, on each of those two sites. That may never come to be. There may never be

the desire to build more than one plant or some small plant. I don't know that answer at this point in time. But it's been looked at environmentally and it does appear as if there may be some benefits to building the two plants 15 ... or a mile-and-a-half apart, as opposed to building all the plants in one location. It's been our opinion that this ... we've looked at it environmentally and think it could be built in either location.

CHAIRWOMAN TANNER: Why environmentally? Why would it be better environmentally?

MR. CARRY: Well, depending on what site is chosen, it could be that the air emissions from...let's just say that you built 4,000 tons in one location. It may be better to build 2,000 each a mile and a half apart, rather than building 4,000 in one location.

CHAIRWOMAN TANNER: Environmentally it would matter?

MR. CARRY: Well, I'm going to tell you the distinctions are minor, but people seem to disagree with our air analyses. I've heard that already this morning. And so, even a minor variation may be considered beneficial. We've looked at it, and we feel that these plants could be built without an adverse impact on the air. But there could be some slight benefit to having these two plants not in the same location. Not that being in the same location wouldn't be acceptable in our opinion, but there might be a slight benefit to separating them.

CHAIRWOMAN TANNER: You're talking about a mile and a half separation?

MR. CARRY: Yes.

CHAIRWOMAN TANNER: You're talking about the same amount of trash that would go into the two facilities, or one facility. Right? Same amount of trash if you used....

MR. CARRY: If you assume the same amount. That's right.

CHAIRWOMAN TANNER: And you think environmentally that would be better. I can't...I'm not an engineer, but I think that, probably, Mr. Eaves would think that probably whatever is funneled to the Inland Empire is going to be funneled from two plants. Do you think it would suit you environmentally?

ASSEMBLYMAN EAVES: What's the logic by them being better...two better than one?

MR. CARRY: The differences are strictly local. There's no way that I would make the contention....

ASSEMBLYMAN EAVES: I don't understand what differences it would be.

MR. CARRY: Inherently, when you put material out of stack...I'm saying that this could be done and meet all the regulations. So, we're starting from that point.

ASSEMBLYMAN EAVES: Could it be that because it would be less than 50 megawatts, you wouldn't have to worry about state requirements? If you have two that are 35 megawatts, you don't have to go to the Energy Commission, rather than with one that's 70?

MR. CARRY: Let me go back. The answer is "no." And the answer is strictly environmental. Like it or not, there was

a law in this state, the Baker bill, that in effect granted a certain exemption to plants under 50 megawatts. Now, this is, you can dispute me if you want, but I have to tell you that I think we're a very responsible Environmental Public Agency. When we first started talking about what to do with the refuse-to-energy, it certainly concerned us as to what sizes we should talk about. That law, not because of its exemption, but in my opinion, that law, in effect, said that within this state they're kind of condoning plants under 50 megawatts. Now, I understand times have changed, and that's not the law anymore, and that you people may feel differently, today, and air quality management districts, maybe my board of directors was, but that was the law.

ASSEMBLYMAN LANCASTER: Excuse me, Mrs. Tanner. Mrs. Tanner, if I may. I happened to have been around when this law was adopted. And, very candidly, you are in the business of handling trash and disposal and disposal refuse, is that correct? The Energy Commission was formed as a reaction to the OPEC situation, whose goal and responsibility was the development of energy...electricity, this type of thing. We put the dead...the cutoff at 50 megawatts in there because we felt the locals should be able to have the incentive and develop energy. That wasn't limited to just trash. You're trying to say to us, because of the way the law was written, that it was less than 50 megawatts, and it was created by the burning of trash, that we are not...the Energy Commission shouldn't be concerned about that. I can't agree with that at all because that wasn't the purpose of the

Energy Commission. I did not support the formation of the Energy Commission, but that's beside the point. It was developed for the purpose of developing energy. It wasn't limited to trash, or refuse. But you're now in the business of saying the state says it's okay to have energy, waste-to-energy, that produces less than 50 megawatts because we said it's fine. That's not the case.

MR. CARRY: Okay, I may have been misunderstood, but....

ASSEMBLYMAN LANCASTER: The energy could have come out from water, from lots of sources....

MR. CARRY: I was not talking about the Energy Commission legislation, I was talking about the Baker bill provision which had to do with the question of offsets....

ASSEMBLYMAN LANCASTER: Well, that went into...by the way did you make your application and get that in before the deadline?

MR. CARRY: Well, I would be happy to explain that, too. I don't really think it's that humorous, actually, because I think we try to act in a very responsible manner. I represent the public. I'm governed by a board of directors who are mayors of these districts, and I think our reputation is such that we have acted responsibly through the years and I think you'd find that. The situation with putting the applications in...yes, we did file the applications. There's no doubt about it. The Baker bill was not considered to be acceptable by the Environmental Protection Agency. I had attended meetings with the Environmental Protection Agency discussing the Rosenthal bill,

which would supplant the Baker bill. At those meetings, we told the EPA that it does have an adverse impact, certainly on the Sanitation Districts' proposals. At the same time, we understand the desire to move from where we were to better air quality and from the Baker bill to the Rosenthal bill.

We supported the Rosenthal bill. I discussed this with the EPA, and told them that I felt, under the circumstances, that the projects we now have underway are ones that previously were being contemplated under Baker, and that what you are moving toward, is something in the future. I can tell you that the head of the air division in the EPA concurred in that and said that he had absolutely no objection, and felt it was not inappropriate to file for those permits prior to the Rosenthal bill.

So, I don't think it was done in an underhanded manner. It was done as we were developing a new piece of legislation. Now there's a second, and I think, a very good reason for that. The Air Quality Management District regulations, as you've talked about today, are, in some areas, -- I think that while they are acceptable, they don't necessarily make sense as far as air quality in the San Gabriel Valley. I recognize that. And I think purchasing offsets in Saugus is a problem. I don't necessarily concur. And I think it's up to the air people to tell you that purchasing them in Long Beach or other places is not reasonable. That may impact the air quality in the San Gabriel Valley, and I think that should be more carefully thought out before you categorically deny that. But we had suggested that there are other ways, other than the present rules of the

Air Quality Management District, that we could provide the offsets. I discussed this with the Air Quality Management District, with the EPA, and with the State ARB. And, in effect, when I would suggest certain things we could do, they would kind of throw their hands up and say that makes a lot of sense, but our rules do not allow it. And so what I proposed to them was that if we have the Baker bill exemption, we propose ways that are equally acceptable as far as providing improved air quality in the San Gabriel Valley.

Our facilities are in the San Gabriel Valley. Many of our people live in the San Gabriel Valley. My office is in the San Gabriel Valley. So, we had proposed different things. We talked about methanol buses. And I think this is an opportunity that should be seized, really. We have a very controversial issue in refuse-to-energy. I've said this before. If we do not build refuse-to-energy, we will not improve the air quality in the San Gabriel Valley. It simply isn't going to make any difference improving it. It stops something else. We have suggested that perhaps you can use us as a public agency who is willing to commit funds to do other things that, apparently, others can't do or don't want to do.

We talked about methanol buses. Now, what's the relationship between the Sanitation Districts and the methanol buses? Nothing other than the fact that there's a very important public policy question on air pollution control. I'd like to be responsible, and be used in a manner to stimulate that type of activity. Take our funds, instead of buying offsets in Saugus,

and let's go ahead and put in methanol buses. I don't see what's so wrong with that. But the rules of the Air Quality Management District, at the time that we applied for the Baker bill provision, would not have allowed that. So, again, you can be skeptical if you please, but I think our record has shown that whether it's wastewater treatment plants, solid waste facilities, or attempts at the present time to find hazardous waste facilities -- have indicated a desire to try to improve the environmental quality of this county, not to degrade it.

ASSEMBLYMAN EAVES: Mrs. Tanner. I'd still like to get back. I still don't understand, and maybe we got lost in something, some other part of the conversation, on how, if you have two small plants, it's better. Are smaller plants more efficient? Is that what you're saying, or...

MR. CARRY: No. Simply on a local impact, the amount of material that comes out of any one stack or plume follows a dispersion pattern. Again, I'm telling you that the 4,000 would be okay, but the impacts of two 2,000s might be slightly less on local communities. Again, still within the standards. I don't know if that's a good idea or a bad idea. That decision hasn't been made. My reaction was that, eventually, we would complete an EIR and our board of directors would certainly have to take an action and say what we'd have to do next, but that it might be up. And I've proposed this, publicly, before --that, at that point in time, both the regional planning...

CHAIRWOMAN TANNER: I can't, for the life of me, imagine that two plants, two smoke stacks, that emit the same amount that

one might emit, would be better environmentally. And, if one facility...how much, what is it... Is it cost effective to build two facilities? Because you say it might be, you didn't say it definitely would be, environmentally better, I guess, after hearing you. You think it might be environmentally better? Is it much cheaper to build two facilities? Is it cost effective? You are not intending to...you're really not proposing two facilities?

MR. CARRY: At this point in time, we have not made a specific recommendation and proposal and, quite honestly, the reason for that is that our ability to complete the environmental analyses, right now, is wrapped up in changing rules and regulations as far as the air quality regulations are concerned. So, we have been unable to complete the work until that is resolved. As soon as that is resolved, we will complete it, lay out the impacts of all the options we have looked at, and the district boards of directors will be asked to make a decision as to what to do next. I am not going to prejudge what that decision is.

CHAIRWOMAN TANNER: I'm glad that, initially, you said you were going to be up front, or you have been up front with us and willing to lay the cards on the table, because, you know, now I see, I understand that you don't know what you really are planning on doing. There are no definite plans for either one facility, two facilities, no facilities. Is that right?

MR. CARRY: That's correct. And I think the decision has to be made by the districts' boards of directors. And,

again, I look at this, and you say why not go to CEC? And you know, I have to admit that, inherently, after all the years all of you have been involved in this, local determination is a very strong prevailing opinion. And the districts' boards of directors, I think, should make the first determination as to what size plant it is they think ought to be built, and that should be based upon the environmental analyses. They have been unable to make that decision. What we have said is that if that decision is made by the districts' boards of directors, would result in a project that is subject to the California Energy Commission, we will then go to the California Energy Commission.

CHAIRWOMAN TANNER: Mr. Lancaster did you have any questions?

ASSEMBLYMAN LANCASTER: No.

CHAIRWOMAN TANNER: Would you like to continue?

MR. CARRY: Well on the other specific questions, I know I've taken quite a bit of your time just answering the questions. I'm not sure that I was totally able to solve the problems. I am interested in trying to solve the solid waste problem we do talk about. I think it has to be viewed in the overall context. I think we should decrease the dependence on the San Gabriel Valley. I'm criticized by some for saying this, I know, but I do have to point out that we're involved in sewerage, we're involved in solid waste, we're involved in hazardous waste. More or less the solids that are generated here in the San Gabriel Valley which are in our sewerage system, which are not easy to cope with, are basically processed in the city of Carson. And we're

not suggesting that they not be processed there, we're trying to look at a whole county, sewerage flows down hill. Refuse sites are not available in all honesty in the Southern part of the county. There are sites to burn refuse in the Southern part of the county, but they're not landfills. And lastly, I might indicate the point about taking the solid waste which is a potential solution, and all it costs is money, which is true, is to export it out of Los Angeles County. I basically believe that we ought to solve our problems with sewerage and solid waste in Los Angeles county. And one reason that I feel so strongly about that, is that we're giving a real concerted effort to trying to take care of our hazardous waste. If you think this is complicated, as you all know from having long been involved in hazardous waste. The hazardous waste problem is even magnitudes greater than our solid waste problem. We're trying to find a location to handle our hazardous waste in Los Angeles County. And I would suggest that our chances of that are not that great, that the rules and regulations have been written so stringently we may not have a place -- not for political or siting reasons -- but for technical reasons. So if we are going to look to other areas to export our waste, I dare say we ought to think first in terms of hazardous waste because it may be a technical, physical necessity, and then think in terms of solid waste. I would feel badly if we gave up on solving our own problems at this point and time on solid waste.

CHAIRWOMAN TANNER: The Puente Hills landfill is an unincorporated area, is that correct?

MR. CARRY: That's correct.

CHAIRWOMAN TANNER: And so there can't be any local decisions by any city council regarding...

MR. CARRY: Well I think local decisions would be made in terms of the district's boards of directors would first make the decision on what to do, and secondly I think that is local although the landfill happens to be in unincorporated territory, so the county board of supervisors...

CHAIRWOMAN TANNER: Well Los Angeles County is quite different from the cities in the San Gabriel Valley. Los Angeles County and the Board of Supervisors -- that's quite a different thing than the city council members or the mayors who represent each of the cities. That's considerably larger, and I don't think of Los Angeles County as...

MR. CARRY: Spadra by the way is in the city of Pomona, so from that standpoint, a local city has made a determination and the city of Pomona is supporting and is participating in the Spadra refuse-to-energy. So I might mention that, as the neighboring city of Walnut...

CHAIRWOMAN TANNER: I was really talking about Puente Hills. We didn't go over or get into...I just barely mentioned whether it was cost-effective to build two facilities as opposed to one facility. Certainly you have an idea of what...

MR. CARRY: It's of minor consequence. It's always more cost-effective up to the limits of the land that you have available. It's always more cost-effective to build more in one place. But it gets to be a point where it's not of significantly different cost.

CHAIRWOMAN TANNER: So two facilities wouldn't cost much more than one facility?

MR. CARRY: It would cost a little more -- not much, correct.

CHAIRWOMAN TANNER: How much more?

MR. CARRY: You know I would say I don't have the numbers specifically on that..

CHAIRWOMAN TANNER: Just ball park.

MR. CARRY: Less than 5 percent. I mean it gets to where your estimating accuracy is not to that level.

CHAIRWOMAN TANNER: How much would one facility cost?

MR. CARRY: Well, let's see. Per thousand tons, we talk in terms of a bonding capacity of somewhere in the vicinity of \$125 million dollars per thousand tons of capacity. It changes as you get larger and goes down a little bit. The Commerce facility which is three hundred tons per day but has a heat equivalent of about 500 hundred because it's a very high BTU waste which bonded for \$50 million dollars so it's right in the ball park.

CHAIRWOMAN TANNER: I can't imagine that the county would be considering something like this without having an idea what the cost would be.

MR. CARRY: The costs are approximately \$125 million dollars for every thousand tons per day of capacity.

ASSEMBLYMAN LANCASTER: So that would be \$250 million dollars in Puente Hills.

MR. CARRY: Approximately, plus the additional cost of cement and all that kind of stuff.

ASSEMBLYMAN LANCASTER: You can't tell me you can build two towers for the same price as one.

MR. CARRY: I said it's probably within five percent difference -- five percent of -- in other words if one cost 255 percent of 250 then it's maybe another \$10 to \$15 million dollars. So one would cost \$250 million, if you're doing them separately maybe \$265 million. But you could have local ground conditions and soil bearing and things like that that could impact the cost of any one facility by plus or minus five percent so you're down into a narrow range.

CHAIRWOMAN TANNER: Okay, now we're talking about cost and that's what you have been talking about -- anywhere from two thousand to ten thousand tons per day, right?

MR. CARRY: That's correct. That's what the environmental impact report says.

CHAIRWOMAN TANNER: So what would ten thousand tons cost?

MR. CARRY: Well I don't think that it necessarily...it's going to be less than ten times as much, I mean it does scale down, maybe it will be nine times as much rather than ten times as much. But again I hope you understand the significance of what I'm saying. It is I think, all of us think important as we contemplate any facility, to look at the long-range maximum. I mean we do this with our sewerage treatment plants. We don't go through the same kind of thing. You're obligated to do that from an engineering standpoint.

CHAIRWOMAN TANNER: We do understand and the thing that I think most of us sitting up here don't understand is why you say it would be environmentally better to build two facilities within a mile and half of each other -- why it would be environmentally better or you think it would be environmentally better. That's something I could understand -- that you have to plan for a large amount of trash. You have to project and be prepared to have the capacity that is necessary. I can understand all of that. But I don't understand, and I think the other members don't understand, why two facilities within a mile and a half of each other on the same property are environmentally better than one facility. And I really am wondering why one facility wouldn't be more cost-effective than two facilities and I don't want you to feel that I am supportive of even the one facility because I'm not ready even to support one facility.

MR. CARRY: Certainly it is more cost-effective. I did not say it wasn't. I said it is marginally more cost-effective. Secondly, we did do analyses with all sorts of permutations of different combinations and I can simply tell you that it is marginally more environmentally acceptable, but not to the point -- and I think we're getting off in the wrong direction -- not to the point where that's likely to be the basis for the decision. And so, when we started looking at it when we first proposed looking at the two sites, we had not done any of the environmental work. That was something we wanted to see. So we tried the analyses after we selected the two sites and the different combinations to see what would come out. We didn't

know then that it comes out marginally better. We're heading in the wrong direction here, that is not why we had two potential sites, and our proposals, for instance, include building all of it at either one of the two sites. So we're not saying let's build it at two sites. We're saying that's an option.

CHAIRWOMAN TANNER: Any further questions? I think that the questions that we suggested have been answered. Is there anything else or would you like to close with anything?

MR. CARRY: No, I appreciate the opportunity to try to explain what we have been doing and I'd invite you by the way, each and everyone of you, to visit the various facilities that we do operate and see what our people are thinking and how we have responded to...about five years ago we were being criticized for why that wasn't good. I think we've got a track record that bears some evaluation.

CHAIRWOMAN TANNER: All right. Thank you very much. Our next witness is Sherman Roodzant, who is the Chairman of the California Waste Management Board. And Mr. Sherman and I have served on many committees together.

MR. SHERMAN ROODZANT: Good morning Chairwoman Tanner and distinguished Members. I want to say how pleased I am to appear before you today. I recognize our past work together and your leadership on the household hazardous waste bill which you coauthored and pushed through the Legislature and Governor Deukmejian recently signed. And we're looking forward to working on that issue with you as well. I want to thank you also for the honor of following Mr. Carry from the Sanitation Districts of Los

Angeles. Contrary to public opinion, here locally Mr. Carry and the Sanitation Districts are recognized not only in California but around the nation and the world, as the leaders in waste management and the development of new waste management techniques, both in the public and private arena. And I count it an honor to be in his company this morning. I have a prepared statement which has addressed the questions that you submitted on September 18th, because those questions were very comprehensive and my answers are quite lengthy. I don't think it would behoove you, the Committee, and the public for me to go through them in detail this morning, but I would like to submit that for the record.

CHAIRWOMAN TANNER: All right, thank you. But then could you summarize?

MR. ROODZANT: Sure. I want to say that in our opinion there are trade offs in answering your first question about whether landfilling is better than waste-to-energy or better than some other alternative as we've seen in recent years. There are some problems with landfilling. Landfilling does have the potential for groundwater contamination. We can put out the good rules and regulations and enforcement activities that are available to us, but sometimes those go astray and there is a potential for groundwater contamination, as you know. Both landfills and waste-to-energy plants can be responsible as we've heard this morning for our air pollution, although we didn't talk about air pollution from landfills. But as some of those who live adjacent or nearby the West Covina facility known as BKK and

other places around the county. We heard talk about Palos Verdes Landfill. They have a potential for air pollution emissions too. They emit methane gas, which often times carries with it some very low levels of what is termed as "known carcinogens" such as benzene and vinyl chloride. So we can't say that landfilling is totally safe either. It's a matter of where do we want to go. Certainly we know that for landfills we're going to expect 20 to 30 years of generation of methane gas after they've been closed. We also, in addressing waste management, must look at vehicular emissions. Those who work in the field of air quality brought to our attention many years ago the importance of vehicular emissions here in our South Coast Air Quality Management District. And as we address waste management we must concern ourselves with vehicular emissions, because they generate a tremendous amount of emissions when you are transporting waste any distance. Waste-to-energy plants in their emissions, this morning as we've heard, are subject to a great deal of heated debate. Arguably, I would submit to you that waste-to-energy plants may even cause a reduction in vehicular emissions since they're often constructed in industrial areas. They're much closer to the point of waste generation. I share with you members here and the good citizens of the San Gabriel Valley your concern for the disproportionate share of waste that you're receiving here. This is not a new phenomenon. It's something that's not unique to the San Gabriel Valley. It's not unique to Los Angeles County. It's not unique to California. The people on the Eastern Seaboard have wrestled with this problem for many,

many years, and are paying substantial rates for waste collection and disposal because of their inability to handle waste in their immediate area.

We have some graphic presentations. Unfortunately they're quite far from you members to see there this morning, but the one to my far right and the furthest away from you has separated Los Angeles County into three regions that the county has designated. One of them is known as the South Bay Region -- that would be the portion to the lower end of your graphic there. The other portion has been designated as the North Coast Region I think more properly it should be called the city of Los Angeles and San Fernando Valley. And then, of course, the portion to the far north east is the part we're concerned about here today -- the San Gabriel Valley. There are two sets of figures in each one of those areas. The figure on top being the amount of waste that has been estimated by the county planners as being generated in those specific areas. And the figure below that is the amount of waste that is actually deposited, or landfilled, or taken care of, or disposed of, at the bottom. As you can see, the North Coast or the San Fernando Valley area has 7 million tons approximately a year that they generate and are depositing 7 million. And as you have pointed out your basis of contention is right; this is nothing new. The San Gabriel Valley generates approximately 3-1/2 million tons per year but yet receives 8-1/2 million tons of waste per year.

ASSEMBLYMAN LANCASTER: Ms. Tanner may I interrupt the witness?

CHAIRWOMAN TANNER: Sure.

ASSEMBLYMAN LANCASTER: Prior testimony in the hearing indicated that there's been a massive shift since the '70s because of the closure of various facilities within what I guess you'd call the North Coast area. In the '70s, did they have more capacity than they have now, and has there been a massive shift to this area from the North Coast area?

MR. ROODZANT: I wouldn't say it's from the North Coast area, I'd say it's from the South Coast. As Mr. Carry pointed out, at one time we didn't have the Palos Verdes landfill down there, which was closed I believe in 1980 and which caused a major shift of refuse to both this area as well as some of that refuse. It appears from those figures there that everything from the South Coast is coming up to the San Gabriel Valley, and I want you to know that that's not absolutely true. The waste gets kind of moved around.

ASSEMBLYMAN LANCASTER: Well they generate "X"-amount of tonnage in the North Coast and you say they're handling that amount of tonnage. I guess that you draw the conclusion that the South Coast refuse is coming to the San Gabriel Valley.

MR. ROODZANT: Unfortunately, you can't exactly draw a boundary. I'm telling you that some of the refuse that's shown there in the North Coast there is actually coming into the San Gabriel Valley area. And vice versa. Some of that refuse is coming from the South Coast area and is actually going into the San Fernando Valley or North Coast area, but the majority of it obviously comes in here. Let me just give you an illustration.

The city of Los Angeles for instance, I believe, is one of the major exporters of waste, and they are shown there in that North Coast or San Fernando Valley area. And I am told by staff in recent figures that they are generating approximately 37 hundred tons of waste a day more than that which is disposed of in that particular region. And of course a lot of that comes over here into the San Gabriel Valley, and BKK handles some of that.

ASSEMBLYMAN LANCASTER: That is in the city of Los Angeles.

MR. ROODZANT: The city of Los Angeles, correct.

ASSEMBLYMAN LANCASTER: But the North Coast area includes a wider area than the city of Los Angeles?

MR. ROODZANT: That's correct.

ASSEMBLYMAN LANCASTER: But so the city of Los Angeles is an exporter.

MR. ROODZANT: The city of Los Angeles is definitely an exporter. Not only here to the San Gabriel Valley, but also outside of the city limits into the unincorporated county territory in the San Fernando Valley.

ASSEMBLYMAN LANCASTER: There's been at least (inaudible) according to the newspaper; there's been a very difficult job to try to site sites and that's the words to use in the city of Los Angeles.

MR. ROODZANT: That's absolutely true. Mr. Carry alluded to the Sanitation Districts' dilemma in getting Mission Canyon and there are some other canyons which have been under consideration and they have reached a stone wall.

ASSEMBLYMAN LANCASTER: Fair share is not exactly applying equally on this then because we are accepting...how much are we accepting is being placed in the San Gabriel Valley zone? And totally again over what we actually generate ourselves?

MR. ROODZANT: Those rough figures show that you're receiving approximately 5 million tons over and above what is generated here in the San Gabriel Valley. That's not all coming from the city of Los Angeles.

ASSEMBLYMAN LANCASTER: And we also generate about 3 million tons, is that correct?

MR. ROODZANT: Three and half million tons.

ASSEMBLYMAN LANCASTER: That's on a daily basis?

MR. ROODZANT: No, no, that's on an annual basis.

ASSEMBLYMAN LANCASTER: That's what I'm saying -- on an annual basis. So we're taking about approximately two-to-one, not quite, but say one-and-a-half to one over what we are generating.

MR. ROODZANT: That's correct. This goes back to another phenomenon that I would like to address. Well, first of all, let me go back and say again that we're not unique in this dilemma. The good folks in the San Francisco city and county, and in the entire Bay area, have been suffering with this problem for many, many years. Waste in San Francisco does not go into San Francisco, it goes across the Bay into one of the adjoining counties, mainly Alameda county. And there have been agreements made with local governments there that they would get compensated for this waste being transported and deposited in their

particular county. And I know that doesn't make you feel any better, or the people here in the San Gabriel Valley, which is adjacent to my home. But these are the facts of life and it's happening of course back on the East Coast.

CHAIRWOMAN TANNER: Before you know it we'll be taking the San Francisco garbage.

MR. ROODZANT: It's not that bad yet Ms. Tanner. It has been suggested many times in forums such as this. I've seen it in the media that we consider transporting our waste greater distances. I might remind you that the reason that we're in this dilemma today was because of our decision makers just 30 years ago suggesting the same thing. Thirty years ago when facilities like Puente Hills, Spadra, and BKK were nonexistent but were just about...I think BKK came about in 1958 or 1959, and Spadra and Puente Hills I think in '57. This was open area and everybody was happy with sending the waste out to the San Gabriel Valley. As we've seen, it's been developed nearby, and now people in this area are talking about transporting it out to the desert or maybe San Bernardino county I don't know. They're talking about transporting it some place else I think the bottom line, and this is the position that the California Waste Management Board has taken, is that we need a good mix. We've heard the problems associated with potential emissions. There are the great debates about what is coming out of smoke stacks, and waste-to-energy projects, but let me remind you that waste-to-energy is not a new technology. It's been around for decades. There are over 350 plants operating around the world, over 60 here in the United

States. And just last month our neighboring sister state of Oregon, long-touted at being one the most environmentally conscious of all the states in the union fired up another waste-to-energy project of 600 tons per day in Marion County. Add all this to our consideration of waste-to-energy, and it has to convince me that there's something to it. In recognizing we do have air pollution problems which make us somewhat unique, I still think I share the opinion of the Sanitation Districts' leadership that it is a viable alternative. One that we can't escape. Obviously we can't transport waste great distances. We're going to pay for it not only now, but we're going pay for it in the future. We're going to pay for it now in terms of extremely higher garbage collection and transportation costs, which as you who have served in local government at one time or another know, is a very difficult situation to contend with. Every time you talk about raising a garbage fee a quarter a month you get the ire of the local citizenry, and I can understand and appreciate that. By the same token we're going to pay for this down stream in the case of the people in San Bernardino county, or Riverside county, or wherever we transport this waste. Somewhere along the line, that area is going to be developed and we're going to face the same problems there ten, twenty, thirty years from now, that we're facing here today here in San Gabriel Valley. For that reason we consider waste-to-energy to be a very logical alternative. We believe that the good Lord has given us enough people with good enough ingenuity to solve our problems. Granted there have been air pollution problems in the past and

there probably still are some marginal problems related to waste-to-energy, but we believe those problems can be solved. We are a strong supporter. We would not permit a waste-to-energy facility if we weren't convinced beyond any reasonable doubt that there was good air quality maintenance from that facility. We would require them to go through the appropriate tests and work with our sister agency the Air Board on the determination of permitting it. But our thinking is that there is reason for a good mix of waste management methods.

You addressed earlier your concern about recycling and composting. If we were to do all of the recycling that was available today of what we know is in a waste stream that is potentially useable, at the very best, forgetting the economic question which obviously has to play a part in it. At the very best, we could only take 30 percent of the waste stream and recycle it and that includes the compostable material. Composting is another whole issue, it is just not economically feasible. There is not enough need for all that compost that could be generated even you gave it away, and obviously nobody is going to produce it if it's going to have to be given away. There has to be some economic advantage for turning vegetable waste into compost.

I would in conclusion say that the California Waste Management Board continues look at all the alternatives. We've looked at gasification and digestion, and we think that they may prove effective sometime in the future. The economics are there today. The history of those two technologies have not yet been proven, but it could be a conceivable option in the future.

As far as the issue of packaging and waste reduction we think that that is technically feasible. But we question whether or not in the free market place that that's politically or even socially feasible. We have difficulty believing that the public would accept major changes in packaging. We're a throwaway society. We've evolved over many years, and as you people know who work in the political arena, we just don't change public attitudes and habits overnight. And it is something we're trying to help make the public more conscious of, and some manufacturers have taken a lead in it. But certainly the major portion of the business today continues to use packaging techniques which make it convenient to throw materials away, and waste reduction doesn't seem to be a viable alternative.

With that I will leave myself open to any questions you may have. And thank you once again for the opportunity to appear before you.

CHAIRWOMAN TANNER: Thank you very much, any questions? I have some questions but I...you were talking about marginal problems from the smokestack but I'm going to ask the Air Resources people about those rather than you.

MR. ROODZANT: They're certainly more expert than I am.

CHAIRWOMAN TANNER: All right, thank you very much for being here.

MR. ROODZANT: Thank you.

CHAIRWOMAN TANNER: All right. Our next and final witness before lunch, will be Garret Shean, who is the hearing officer for the California Energy Commission. There may be some

questions that I guess it wouldn't be proper to respond to if they come but you can explain that to us as well, would you.

MR. GARRET SHEAN: Thank you Chairwoman Tanner and Members of the Committee. I bring the greetings of the California Energy Commission and in particular our Chairman Charles Imbrecht to whom you directed your inquiries. Essentially the Commission has been asked to report upon the status of two of the proceedings before it. Those being the Puente Hills investigation and the application for certification for Irwindale. As you noted, I am the Commission's Hearing Officer in both of those cases. So I'm in a reasonably good position to know exactly where they are. So to fill you in, I'll address the Puente Hills complaint first.

A complaint was filed by the Hacienda Heights Improvement Association, members of which are going to speak to you later. In the late winter of 1986, in April of 1986, the Commission accepted the complaint and referred it to me to conduct a hearing and make recommendations back to the Commission for disposition of the complaint. We began our discovery phase in July of this year and in July got into objections by the Sanitation Districts to a number of questions asked by the Hacienda Heights Improvement Association, by the Commission's staff, and by the city of Duarte and a private firm that intervened in the proceeding -- RRSC Corporation. There were also objections to certain questions posed by the District to the Commission's staff. And we got embroiled in this sort of legal wrangle about the extent of discovery which would be allowed. I

conducted a hearing in August down here in the Puente Hills area and we've some post hearing briefs just filed. So in a real sense the next step is up to me in the preparation of an order responding to those motions and those briefs. But let me say this is the first jurisdictional case that the Commission has had before it. There are very fundamental issues that need to be addressed with regard to the extent of the Commission's jurisdiction, the meaning and interpretation of the Warren/Alquist Act, and the California Environmental Quality Act. And these orders that will come out of this case I think will be precedent setting, so a considerable amount of deliberation and caution are necessary.

We would anticipate that once the ruling comes out with regard to the extent of discovery that will be allowed, that the case will begin to move forward again. And perhaps we can begin to reach some of these issues before the end of the year. I obviously can't tell you since there are several options in terms of the way it may go -- just how quickly that will be, and when we might commence the hearings on the matter. But I think the principle guiding the Commission in the conduct of this case is that we're trying to move as expeditiously as possible, protecting the rights of all the parties and giving all the parties a fair process.

ASSEMBLYMAN LANCASTER: Ms. Tanner?

CHAIRWOMAN TANNER: Yes, Mr. Lancaster.

ASSEMBLYMAN LANCASTER: I..., just for the edification of everybody in the room, the complaint filed with the Energy

Commission, the jurisdictional question, on whether or not..., correct me if I'm incorrect..., on whether or not two fifties equal more than fifty in the sense of what the law requires, the requirements of the law on where your jurisdiction lies, is that the question, basically?

MR. SHEAN: That is, yes. That's one of the major..., that's probably the main major question of the complaint: whether the two 47 megawatt proposals that you've heard about earlier from Mr. Carry represent...

UNIDENTIFIED SPEAKER: ...one project.

MR. SHEAN: Either one project or a multiple facility project which should be aggregated.

Now, if I may, I'll turn to the Irwindale Project. That case currently is in suspension for the failure by the applicant to provide air quality offsets and waste supply contracts and commitments and in response, more fully, to the question, let me tell you the history, basically, that is wrapped up in events beginning in early 1986.

About approximately nine months after the original filing of Pacific Waste Management's Irwindale Project, they made several project modifications which they told us would be final early in 1986. In response to that, the committee put out a..., the committee composed of commissioners of the Energy Commission, put out a scheduling order which would specify the times by which those project modifications were to be complete.

The Energy Commission staff as well as some of the public parties who are down here were complaining that they were

attempting..., that they were being required to hit a moving target in that the configuration of the facility had not yet been finalized by the applicant. To do that, the commission committee established a deadline by which the final configuration was to be established and then set forth a schedule for the production of the offset package by Pacific Waste Management as well as a package of waste fuel contracts or commitments.

The provisions of that order required that they be filed by March 31 of 1986, and that if not filed by that time the case would go into automatic suspension. And that if six months thereafter, or October 31, there had not been reasonable progress to accomplish the filing of both of those required packages, that the committee could be in a position to, in the legal sense, file an order to show cause why the entire proceedings should not be terminated for lack of due diligence and progress.

ASSEMBLYMAN LANCASTER: Mrs. Tanner, if I may...

CHAIRWOMAN TANNER: Yes.

ASSEMBLYMAN LANCASTER: Refresh my memory, if you will. It seems to me that in our zeal to create energy, that in the Alquist Act, Warren Alquist Act, there were time-frames established where certain things had to be done over certain prescribed periods of time. Is the commission..., I'm not saying they're doing anything wrong, but evidently the commission feels it has the authority to grant extensions over that. That's what has occurred here, I believe. Their application's been on file for a long time, but there have been extensions granted, I guess by the commission. Is that correct?

MR. SHEAN: That is correct. Most are city provisions.

ASSEMBLYMAN LANCASTER: Now, what does the Warren Alquist Act say, relative to that? Has it been modified since then? Don't they have to do certain things in a certain prescribed period of time or they automatically become, in effect, a new application?

MR. SHEAN: No, sir. They don't become a new application. The Act does provide that there are internal deadlines within the process, let alone an overall twelve month deadline for the completion of the commission's regulatory review. However, to the extent that that may be extended, it may be extended only with the consent of the applicant and under these circumstances, given the orientation of the Act, the applicant has asked for an extension and obviously has....,

ASSEMBLYMAN LANCASTER: That has to be granted by the commission itself, does it not?

MR. SHEAN: Yes, it does.

ASSEMBLYMAN LANCASTER: The commission does not have to grant the extension.

MR. SHEAN: Yes, and let me say the commission's general orientation with regard to the granting of extensions and the, particularly where they involve the modification of a proposal, is that the California Environmental Quality Act encourages the state agency to get an applicant to move toward modifying its facility to lessen any apparent significant impact. And in each case where the commission committee has allowed the extension of the Irwindale proceedings, there has at least been the apparent

representation that that would have been the effect. So, that in extending the proceedings, we were to some degree believing that that would lead to the mitigation of an impact that the facility would have otherwise had.

ASSEMBLYMAN LANCASTER: I'm glad we clarified that point, because I frankly have personally received criticism by some people saying, "How come this thing is dragging on so long when the law says certain things have to be done in certain periods of time?" So, what you're saying is to clarify that the commission has granted extensions only when they felt that the project modification was in the best interests of the overall environmental quality, is that basically, am I correct in that?

MR. SHEAN: That is correct.

ASSEMBLYMAN LANCASTER: Thank you.

MR. SHEAN: As of April 1, Pacific Waste Management had not submitted a sufficient offset package for the air quality offsets, so that the proceeding at that point went into suspension on that ground. And it has been in suspension ever since. One of the separate and independent grounds for suspension was the question of offering up 75% of all the waste fuel contracts and commitments.

Prior to April 1, when the suspension potentially would have gone into effect on that ground, Pacific Waste Management asked for, and received, a hearing to reconsider the committee's order with regard to requiring those waste fuel contracts and commitments. In July, the committee reissued its order, a more extensive order, nonetheless affirming its prior saying that

Pacific Waste Management would have to produce 75% of its required waste fuel contracts or commitments and since the time frame had already passed, put the case into suspension. Pacific Waste Management, as they are permitted to do under the commission rules, appealed that committee order to the full commission and the full commission has affirmed the committee order as of September 17.

Since that time, Pacific Waste Management has requested that the commission prepare the administrative record for the proceeding, that being one of the steps to be done in anticipation of the commencement of judicial proceedings under the Code of Civil Procedure, Section 1094.5. I cannot tell you whether it's their intention to do so and they are absent from today's meeting, so I do not know that you can get an answer to that. However, there is the potential that Pacific Waste Management may seek some judicial relief with regard to the committee's and now commission's order on waste contracts and commitments.

CHAIRWOMAN TANNER: What commitments do they have? Have you...?

MR. SHEAN: Our staff is here and I heard the representation made by one of the prior speakers. When I left the commission yesterday, there were in the commission's docket no, there was no statement indicating the securing of any waste fuel contracts or commitments for the facility. We have heard of and Pacific Waste Management has represented the negotiations with the City of Pasadena, but again there are no documents that

have been filed by Pacific Waste Management that would satisfy the requirement of the order with regard to the City of Pasadena, or any other source of waste fuel.

CHAIRWOMAN TANNER: Yeah, there was an attempt during our last legislative session to change those requirements from commitments to a reasonable assurance, and we managed to put that bill aside.

MR. SHEAN: I do recall the bill, and I might point out to you, one of your committee members, Assemblyman Sher, has a bill that I believe was recently signed by the Governor that goes to the question of what level of recyclable materials might be considered in estimating the amount of waste available to a potential waste-to-energy facility and we will be taking a look at that in terms of the review by the commission on the waste fuel contract and commitment question.

CHAIRWOMAN TANNER: I would like to point out that the chief consultant to Mr. Sher's committee, the Natural Resources Committee, Kip Lipper, is here with us and I hope he will learn a great deal about our problems here in the San Gabriel Valley and take it back to Sacramento.

ASSEMBLYMAN LANCASTER: Mrs. Tanner, before we leave the question of supply, are there any requirements by the Energy Commission, geographic requirements, in their ..., show requirement of the Pacific Waste Management they show where the source is. In other words, 75%, you mentioned, was the requirement, in other words, signed contracts, I believe, agreements. Are there any geographical restrictions on that?

MR. SHEAN: No, sir. None.

ASSEMBLYMAN LANCASTER: In other words, they could bring it all the way from Eureka?

MR. SHEAN: There are no geographical limitations in the commission's order.

ASSEMBLYMAN LANCASTER: The interesting thing about that is, you know, obviously there is a supply and there's a supply. And consequently, one of the..., I'm not criticizing the commission, but obviously, one of the considerations of anything like this, has got to be the geographical availability of the supply, because, very candidly, you could have agreements all over the place, in a sense, and say, "Here we are. We've made our mark of 75%," but the agreement could be so far away that it really isn't a steady supply. Then you've got all, then you have the other problems, which I know that the Energy Commission doesn't necessarily delve into, but obviously Air Resources and those folks have got to be concerned about trucks running all the way from way out of the area into the area, and so, maybe that's a loophole..., or not a loophole, or maybe that's a flaw that we ought to be taking a look at relative to geographical area and all these kind of things.

CHAIRWOMAN TANNER: Probably, since we are looking at fair share and we are looking at legislation that would address fair share, that would take care of the..., that could be part of that legislation.

ASSEMBLYMAN LANCASTER: And I'm not criticizing the commission, because they probably don't necessarily, maybe they don't feel they have the jurisdiction to do that, I don't know.

MR. SHEAN: The burden of proof on that subject rests with the applicant. So it is required to provide those contracts and I think the committee's and now commission's order did not contain any greater limitation and that's really all I can say.

CHAIRWOMAN TANNER: When is the deadline for those commitments now? I mean, is there another waiver?

MR. SHEAN: No. Currently the situation is this, that in the absence of intervening direction by any court, December 1 would represent the date upon which the commission has said it would be in a position to present Pacific Waste Management with an order to show cause why its proceedings should not be terminated for the lack of due diligence and reasonable progress on the securing of the waste fuel contracts or commitments.

Let me just point out one other factor that may influence that, and I know that it's been reported in your local press. In late September, Pacific Waste Management proposed to the commission the amendment of its proposal to construct a 3,000 ton per day facility, to the construction in two phases of 2250 tons per day as Phase 1, and 750 tons per day as a second phase to follow the completion and construction of the first phase. This proposed amendment to their application has raised some questions in the mind of the committee and we intend to hold a hearing on it down here on November 13. Let me just point out to you what some of those are. There is the fundamental question of whether or not this type of amendment is even authorized by the Warren Alquist Act into a phase type of project, and the legal questions that relate to whether or not this would constitute a

multiple facility site for which there is a different type of regulatory regime.

There is also the question of what are the substantive facts, if any, of the proposed amendments upon the terms and conditions required to get the proceeding out of suspension. Whether or not, for instance, there would be a lesser total tonnage requirement for the waste fuel contracts and commitments or for the air quality offsets that are being apparently reviewed by the South Coast Air Quality Management District. So we intend to hold a hearing down here and we invite participation of many people, and ideally we expect there will be at our hearing those who are here today and let me just say that insofar as the air quality offsets and the question of following an order to show cause, again, specific on that, instead of doing that as of November 1, which was the prior date, that essentially is awaiting a determination of these other issues out of the November hearing.

You had asked for some notion of a timetable of future events and I really cannot give you anything beyond our current hearing in November. There are so many options and possible permutations of what may happen with regard to the committee's review of the amendments and motions before it, and it would be impossible to give you all of those and I'm sure you wouldn't, probably, want to sit through the explanation, but I should say that the committee is diligently examining this particular proposal and is doing its best to assure that not only the rights of the applicant are protected, but also that the rights of the

public and the parties who are involved in the proceedings are protected and that the commission makes a considered, deliberated, and well reasoned decision in terms of the short term outcome as well as the long term outcome of this case.

CHAIRWOMAN TANNER: How are the..., I'm interested in the offsets. Are they, did you, I don't whether you..., I missed that in your discussion. Did you mention where the offsets came from?

MR. SHEAN: Pacific Waste Management has filed, I believe, several packages. If I may, I'll just explain the procedure by which we were to do this.

The Energy Commission proceedings, insofar as they concern air quality, create a unique relationship between the local air pollution control district, or air quality management district in this particular case, and the Energy Commission. The South Coast is reviewing the substance of the air quality package that's been put forth before the commission, and in the ordinary course of business would be making what's known as a determination of compliance with the local air quality rules, which would then be referred back to the commission, and any conditions..., well, first of all, the findings, let alone any conditions, with regard to the siting of a potential facility, would then be incorporated into the commission's license.

The situation we're in now is that among the components of what are the emissions from the facilities, what are the needed offsets and are those needed offsets being met. All this is being reviewed by the South Coast Air Quality Management District.

Under the terms of the suspension, because they had not been provided by March 31, the District is reviewing the package as being presented by Pacific Waste Management, and Pacific has presented this package in several pieces, and currently the District, because of the potential amendment, has asked us to clarify what are the requirements to be met by Pacific Waste Management in terms of the offsets to be met. And this is one of the issues we intend to address on November 13. But I think it's fair to say, and they can certainly verify this when they speak this afternoon, that the offsets being presented by Pacific Waste Management cover a broad geographic area within the South Coast Basin.

ASSEMBLYMAN LANCASTER: Mrs. Tanner, if I may jump in on this?

CHAIRWOMAN TANNER: Yes.

ASSEMBLYMAN LANCASTER: Regardless of what the South Coast Air Quality Management District says, the final decision is the commission's. They are purely advisory, under Warren Alquist. Am I correct?

MR. SHEAN: That calls for a legal conclusion that I'm not sure I'm prepared to make at this point. I can cite you two regulations that indicate the manner in which we deal with their recommendation. If it's affirmative, and the manner in which we deal with it. If it's negative, and...

ASSEMBLYMAN LANCASTER: You know, one of the things the Warren Alquist Act has tried to do is to go around everybody else.

MR. SHEAN: Well let me say this, the Act purports to give exclusive jurisdiction to the Energy Commission on all state, local, regional licenses. Everything but the federal license.

ASSEMBLYMAN LANCASTER: Yeah, and once it went over fifty, you were the agency.

MR. SHEAN: That's correct.

ASSEMBLYMAN LANCASTER: So they basically are advisory. Now, I'm not asking for your legal interpretation. But the Commission, itself, has the ability to overrule the local agency on this issue.

MR. SHEAN: Under certain circumstances in our regulations, yes.

ASSEMBLYMAN LANCASTER: I just want to bring it up because it's important, I think, that everybody realize just exactly where the jurisdiction in this circumstance does really lie.

MR. SHEAN: The ultimate forum is the commission.

CHAIRWOMAN TANNER: But it's very important to what, the air quality management district, the advisory agency, they are advisory but it's very important what their studies say and what their package..., what they recommend, I would guess.

MR. SHEAN: Yes, we've worked out over time a relationship with the Air Resources Board and the local districts which is very satisfactory to us.

CHAIRWOMAN TANNER: Any more questions? Is there anything more that you would like to...

MR. SHEAN: I have nothing further. If there are questions that you have, of a technical nature, with regard to the commission's activities, we'll be happy to answer them. We will be here for the rest of the meeting, and if you wish, we can give you quick responses.

CHAIRWOMAN TANNER: Oh, that's good. All right, thank you very much. Thank you.

What we'll do, ladies and gentlemen, is we will break for lunch now and, let's see, get back, we will attempt to start again somewhere around 1:30. Any of you who are witnesses and on the agenda as witnesses are welcome to join us for lunch.

We're going to have lunch with the, up on the third floor, in the City Manager's Office, and Kip and Peggy, please join us for lunch, and we'll break, then, until 1:30.

LUNCH BREAK

MR. WILL BACA: Good afternoon, Ms. Tanner, members of the committee.

I'd like to talk to you today about several issues. First of all, I want to summarize briefly the efforts that the Hacienda Heights Improvement Association has taken in 1986 with regard to the overall question of waste-to-energy.

As a result of your hearing in December of 1985, where the air quality management district made the revelation that the sanitation districts have filed permits for two waste-to-energy plants at the Puente Hills Landfill. We subsequently, on investigation, determined that it was in our best interests to see to it that the California Energy Commission reviewed those activities.

We then filed a complaint before the California Energy Commission, asking for them to take jurisdiction on the basis of several issues. I want to make clear, today, that some of the discussion that has been made with regard to that complaint is not complete. Our contention is that, not only do we believe that the two waste-to-energy plants that are proposed, and for which permitting activity has begun, force the question of jurisdiction into the lap of the California Energy Commission. We believe that the presence on the landfill of a gas-to-energy recovery project, called PERG, Puente Hills Energy Recovery from Gas, also should be considered as part of the complaint. And it is a part of our complaint. That project produces, or will shortly produce, 50 megawatts of energy, by burning the methane gas in a boiler and producing energy by running the steam through a turbine. We believe that the entire question of resource recovery development at the Puente Hills property, over 1500 acres, should be one project and should be viewed as a whole, in its entirety, because of the large magnitude of waste disposal activities that go on, almost 12,000 tons per day, which is a majority of the total that is landfilled in the San Gabriel Valley, and almost 40% of the entire county's waste.

When you couple that landfilling activity with 50 megawatts of power generated from methane recovery -- that methane recovery activity, by the way, must of necessity grow to some larger number in the future as the landfill activity continues -- and we've made projections that indicate something on the order of 80 megawatts ultimately. When you couple that

with the two proposed waste-to-energy plants, 2,000 tons a day each, you begin to see the concentration of energy recovery activities that would rival, in terms of environmental effect, that would rival any plant that's proposed in the county.

The second activity that we've taken on this year has been the review of the AQMD permitting activities with regard to the county sanitation district's permit applications. And there we very quickly ran into what is called Rule 212C, and I'll talk a little bit about that later, but primarily, Rule 212C is a special rule that was developed by the sanitation districts in collaboration with the AQMD district, ostensibly to avoid contracting and engineering problems, to allow them to build refuse-to-energy plants. And that has been the subject of a complaint filed by us, or a petition for hearing filed by us this past month.

CHAIRWOMAN TANNER: Mr. Baca, do you intend to go into detail on that?

MR. BACA: Yes, I do. I'm going to speak on that later on.

The last item that we've done some work on, and we're just now beginning to organize further groups in the county and in the state, has to do with alternatives. And I'm not going to dwell in a lot of detail on alternatives, but I am going to produce some discussion with regard to the activities of the sanitation district and whether or not they're really serious about alternatives.

The fourth issue that I want to discuss, and I'll start off with that, is the waste-to-energy issues that have been raised and discovered in the course of the last year that are significant and will affect the decision-making on waste-to-energy.

There is a significant amount of new important information that bears very directly on whether or not these incinerators should or should not be built. The first is, the fly ash is toxic. We've all known that for a long time. We've only within the last year come to grips with the fact that it also contains significant quantities of dioxins and furans, and people have talked about that problem and we'll continue to talk about it. The second is the revelation that not only is the fly ash toxic, but the bottom ash is toxic. All that material that goes through the grate, the 30% that doesn't burn, contains significant amounts of toxic material, and the scientific investigations and testing have now begun to produce significant information with regard to that issue.

The third item is that the emissions exiting the stack produce more toxicants as a function of the environmental conditions that exist at the exit of the stack. There is significant work being done by Dr. Weiner at the University of California, Riverside. There is significant work that has been done by Dr. Eismann, who is now at New Mexico State University and did work for the Canadians, that demonstrates that the environment is conducive to creating more of these toxic materials in addition to what has currently been used in the

state of the art to describe the environment and the processes that are proposed for these incinerators.

In addition to that new information, the ARB has moved on dioxins and furans and there is a significant amount of effort going on to determine what levels and how the calculations are done to determine whether there is a health risk. We believe there is a significant health risk, and we believe that, ultimately, if those health risks and those analyses are done correctly it will be an almost inescapable conclusion that we cannot have these plants in populated areas.

So, to sum up the area of what's happened in the last year, the current knowledge base (technical and scientific knowledge base) is growing, is growing rapidly and is producing significant information about the wisdom of whether or not the incinerators can be built in our air basin. The data contradicts a significant portion of the data that has been used to date to justify the environmental impacts, the health assessment studies, and all of the technical data upon which is based the industry position that they can be built safely, and let's be fair, that information and that knowledge base, as it expands, is also producing a deep division in the scientific community as to some of the critical issues that need to be resolved to determine whether or not we have a health risk.

So, we stand at a position where we're asking our scientists to make decisions upon data that is evolving, data that is highly significant, data that is contradictory, and data that has not yet fleshed itself out or become mature enough so

that the scientific community can give you good strong recommendations based on a professional assessment of what's going on.

The air quality information is also very, very significant. In the next year we're going to be seeing the arena shift to a consideration of the health risk analyses. We're expecting one momentarily with regard to the Spadra Landfill; several with regard to Puente Hills Landfill; and Pacific Waste Management has also produced some preliminary information.

The problem that we have, that I see, evolving from health risk analyses, is that, again, because of the evolving database, the evolving controversy over how you use this information, we're creating a scientific priesthood that is being asked to make a political decision about who and how many among us shall die. The scientists are being asked to make tremendously important assumptions about how they make their calculations in order to give the politician a number that says, "5 people in a million will die, or 500 or 5,000 or, maybe, no one." That, I believe, is a course in the wrong direction. We can not ask scientists to make those kinds of decisions. If we want to have waste-to-energy incinerators among us, and we recognize that some people will die because of it, I believe the public policy issues of who shall die, and where, should be made by the politicians that we elect, and not by the scientists.

CHAIRWOMAN TANNER: I think that there have to be scientific judgments, though, to set standards and to allow the policymakers to make those decisions because we certainly -- you

wouldn't want policymakers to make the decisions on what the standards -- what the risk is and how to manage that risk.

MR. BACA: The problem that we have is that it is not scientifically possible to create an assessment and come down with a number and say, "This many people are going to die." Let me give you an example in my own technical expertise.

I'm a civil and mechanical engineer and I do engineering calculations on equipment: mechanical structures that range anywhere from offshore oil pipelines to aircraft to structures and test equipment. Of the two types of structures that I can perform calculations on -- I'm going to give you two extreme examples -- I'm, on occasions, asked to perform calculations to verify certain performance on equipment that is going to be used in testing other equipment. I'm being told, "Will that piece of equipment sustain the environment that that test is going to produce?" On the other hand, on occasion, I'm asked to perform seismic analysis of a building or a piece of structure or a pipeline, and I'm told, "Design it for an earthquake that may occur once in a hundred years." And, of the two, I would much prefer -- from a professional standpoint, in terms of the risk I have to identify for myself about making that conclusion -- I would much prefer to do the calculation on the seismic project than I would on the piece of equipment that is going to be tested next week, because I know that if I make a mistake next week my customer is going to come down here and want my fee back, but I'm never going to make a mistake on the seismic job because I probably won't be here when that earthquake occurs and the building falls and 5,000 people die. That's the issue.

The priesthood that you're creating is ...

CHAIRWOMAN TANNER: Mr. Eaves has ...

ASSEMBLYMAN EAVES: What you're saying is that as politicians or policymakers, we shouldn't be given that information.

MR. BACA: No, what I'm saying ...

ASSEMBLYMAN EAVES: We shouldn't be given the best available information? I mean, I don't think that anyone that makes a decision on whether to locate a waste-to-energy plant in the San Gabriel Valley, or the San Bernardino Valley, is going to make that decision based solely on the fact that, maybe, one chance in a million or eighteen chances in a million -- there have to be some guidelines, and we realize the numbers that scientists give us are not absolute, but they're still their best guess, and I feel a lot more comfortable making those type of decisions having that best guess, than not having that best guess.

MR. BACA: Well, but my difference there is that I would rather that you ask the scientist to give you the probabilistic assessment. I would rather you ask the scientist, "Tell us, in your best judgment, are 1 or 500 or 5,000 going to die?" Then we'll make the decision as to whether it is feasible to go forward with the project. Please don't ask the scientist to give you a number. The sanitation district has quoted a number in one of their preliminary assessments: 1.52 deaths per million. That number has a variability from 0 to 5,000; there is a tendency in our society to assign too much weight, not only to the printed

word, but to scientists, to other people (and I'm a scientist, myself) to say that we have 1.52 deaths per million possible, and that's the difference, I think, in the emotion.

You must be up front with the public and let them know that the risk is quite variable and let them understand the magnitude of that risk in terms of a probability, not a unique number, and that's the, I think, fallacy in ...

ASSEMBLYMAN EAVES: If you're for a project you're going to say the possibility is 1.52, and if you're against the project you're going to use the 5,000, so it makes it very difficult to try to not get this public hysteria about the absolute value of these numbers, and I think that's where our scientific community, sometimes, does a disservice to us when they try to portray that those numbers are absolute numbers.

MR. BACA: I think in many cases the scientific community is reading from the politician that they need an exact number when none is possible.

Let me move on to a slightly different area and that has to do with the rules that the Air Quality Management District uses to issue permits for these projects. With regard to waste-to-energy projects, the significant issue, in our minds, is the permitting process that is currently being used by the sanitation districts, and that is the Rule 212C.

With regard to that rule, it was written, primarily, they say, to allow them to break an impasse in their contracting problems with regard to bidding processes and what's required for permit constructions, and it was passed in that spirit. However,

in the six times it's been used in the past, three times the complete data was required and obtained from the sanitation districts and three other times the complete data that was required for the processing of the permits under those rules was dispensed with. So, the sanitation district, in concert with the Air Quality Management Board, created special rules for themselves. Then, when the sanitation district wanted to avoid the deadline in 1985, under the Baker bill versus the Rosenthal bill, they put in permits for some five different projects to escape that clause, and they did not have the data that was required for all those projects. So what happened? The AQMD did not enforce the rule.

Now, subsequent to that, when we brought up our petition, the AQM Board had changed the rules with regard to offsets and they used that as the rationale as to why they did not require the enforcement of those rules in the first place. Now, it turns out that the offset requirements are going to be met by the new rules, but we don't know that. More importantly, I think, is that we ought to know, and we ought to be able to depend on public agencies like the Air Quality Management District on building rules that are reasonable, building rules that they can and will enforce.

The AQMD rules that have recently been changed, in our opinion, with regard to the offsets, do not meet the Clean Air Act requirements. They were made in the face of contrary Attorney General opinion, which you'll hear testimony about; they were made contrary to California Air Resources Board opinion,

which almost amounted to a directive (in August), so we don't think the activities of the Air Quality Management Board are currently reflecting the need for strict interpretation and strict monitoring of the activities of waste-to-energy incinerators and, in particular, the activities of the county sanitation district.

Let me move now towards some of the alternative issues and some of the problems that we've been looking at. One of the things we've done is try to determine what kind of fair share policies this committee might entertain and the task force might entertain with regard to rules at the state level, because we're convinced that rules at the state level are going to be required to force the movement of equitable activities with regard to the siting of resource recovery facilities.

Putting aside for the moment -- and this is a large putting aside -- that there are no health issues or that they can all be dealt with. We've got to come to the conclusion that everybody should have their fair share of responsibility and do their duty to dispose of garbage.

I've got a couple of slides I want you to look at; one of them, which is up there now -- and that is not a collection of Easter eggs, by the way -- probably is viewed by the waste-to-energy industry as golden eggs a goose has laid, because they represent the location of waste-to-energy facilities and a typical area of influence for either contaminants, dioxins, general effects, environmental effects. That elongated egg-shape is a five-mile radius from the source of the pollution and a fifteen mile distance down wind from that source of pollution.

As you can see, if you look at the details of where the cities are located, what I put up there is the Irwindale Project, which is the top red oval; the Spadra Project, which is the easternmost oval; and the green oval is the Puente Hills Landfill; the yellow oval at the top to the west, is the LANCER Project; and buried in there is the Commerce Project and the Southgate Project; and down at the bottom is the SERRF Project in Long Beach. I've pointed the oval in the direction of the prevailing winds, so you can see there that the activity is highly concentrated in areas that impact not only the San Gabriel Valley, but the entrance to the San Gabriel Valley, beginning with Southgate, Montebello, Pico Rivera, Whittier, South El Monte, and El Monte.

In the next figure, which I provided the committee but is not on the slide -- what I've done there is isolate, in colored pen, those areas which are impacted by at least three different waste-to-energy projects (that's in yellow). The area in orange is a small area that's impacted by at least four different waste-to-energy projects; and it's very interesting when you look at the development in the San Gabriel Valley, of those projects which I believe are the viable ones (the ones that're on the board now).

I'm going to read you a list of the names involved in that area and it starts with Huntington Park, Maywood, Cudahy, Southgate, Bell Gardens, Commerce, East L.A., Montebello, Downey, Pico Rivera, Whittier, South El Monte, El Monte, Hacienda Heights, La Puente, Baldwin Park, West Covina and even San Demas.

Those are the cities that are highly impacted by these projects. Those are the cities, many of which have been silent to date; I submit that they're silent because they don't know what's happening to them.

If you'll pardon me for a moment, I want to put another slide on the board.

CHAIRWOMAN TANNER: (in an aside to someone on committee). You can see how your area would be affected by these.

MR. BACA: I want to move, briefly, to the activities of the sanitation district with regard to alternatives. The Hacienda Heights Improvement Association is still waiting for the sanitation district to make good on its promise of July 1984 in the second version of their supplemental environmental impact report. Eighteen months have gone by since that figure was created by the sanitation district. No study has appeared. The preliminary data that was included in their EIR shows the following: of those four potential sites that they promised to create a study on, three out of the four produced a savings in hauling trash from their tributary areas to the Puente Hills Landfill -- only hauling costs of \$4 to 5 million for each 2,000 ton per day plant. That translates -- and we believe the figure is very low -- that translates to about \$8 to \$10 per ton; for every ton they have to haul to Puente Hills Landfill, if they had simply moved the plant to where the garbage is, they would save that much in hauling costs.

Now, that sounds like a lot of money, but one of the things that the proponents of waste-to-energy incineration have successfully avoided to date, is they have not made public -- at least to very many people -- what the total costs of running a waste-to-energy facility are. The total costs of running a waste-to-energy facility are on the order of \$70 per ton. Now, energy recovery, that they get paid for by Edison, will account to about \$25 or \$30. The rest of it has to be made up by tipping fees or other revenues, but that's not the entirety of it because that revenue that comes from Edison is also subsidized. About \$10 per ton of that revenue comes from avoided cost subsidies that Edison doesn't want to pay for but has to by law.

When you look at it, we are -- by the way, the current landfill rates at the sanitation districts in Puente Hills are \$7 per ton. So, when you look at the actual total dollars expended on projects, you're talking about very, very large increases in cost, and in addition to that, very large increases in subsidies.

As Mr. Carry pointed out to you this morning, in consideration of whether or not he wanted one project or two, he very cavalierly says, "Well, a 5% difference ...". Well, 5% of \$500 million is \$25 million; that to me, as Mr. Dirkson said one time, "a million here, a million there -- pretty soon it adds up to money." I don't think that kind of activity should be tolerated. I think that this kind of information is significant to the siting process, and I think it is reprehensible, and I'm very disturbed that the county sanitation districts and Mr. Carry did not come forth today and offer you that study, or offer you

an alternative to continuing to push for the projects that he has on the boards right now. Those locations are just as viable as Puente Hills or Spadra; they will produce economic benefits that are significant, and we believe those alternatives are long in coming, and we don't think that waste-to-energy ought to proceed anywhere until those economic trade-offs are made and until those studies demonstrate that a balanced implementation of waste-to-energy is available to you.

I want to give you one last slide so you can see...

This last slide also comes from the sanitation districts. It's in a study talking about siting of transfer stations in 1978. It was an economic study discussing an issue of what the differences were between directly hauling the garbage from the local cities to the Puente Hills Landfill or the Mission Canyon Landfill or, in the alternative, what it would cost to build transfer stations and haul garbage to the transfer stations and let the transfer trucks haul it to either one of those two landfills.

The figure you see there is a map showing the various costs in the South Bay of hauling the garbage to the Puente Hills Landfill, and I might -- since I didn't excerpt the entire study -- I might point out that for economic reasons, the cost of direct haul to the landfill is equivalent to the cost of transfer and haul because a transfer station isn't going to do it cheaper if the only alternative is direct haul, he's going to price it so it's equivalent, and that is evident in that study and if that study is updated today, I think it would only confirm the same thing.

What you see there, in 1978, is the cost of transferring garbage from the South Bay Palos Verdes area ranged from \$10 to \$13 per ton, and it has since gone up -- gone higher. The county solid waste management plan shows a haul cost of about 34¢ per mile and if you translate the distances, it would be between \$15 and \$20 per ton now in that area; and it varies -- it gets smaller when you get closer to the landfill.

The point I'm trying to make here is that there are significant economic incentives that have been demonstrated and studied by the sanitation districts that point to rational siting locations in the South Bay area. To date, all we have gotten from the sanitation districts has been promises, and those promises only came as a result of our prodding, the result of our comments to the initial waste-to-energy supplemental EIR; and I would have expected, that since eighteen months has gone by and they promised to study that alternative, that we would have that information today. But we do not. I think, as far as I'm concerned, that is an indictment on the integrity of their promises.

One of the last things I would like to do is give you some suggestions on urban siting rules (as I call them). I'd like to propose that -- absent the argument on health effects and environmental effects -- that this committee consider producing a bill that would force the equitable siting rules along these lines: (1) I would like to suggest that a maximum size of a facility be 2,000 tons a day, no matter where it's located; (2) I would like to suggest that a proximity test be put in, such that

no more than three other facilities be located within 10 miles of any other facility; and if they are located within 10 miles, ...

CHAIRWOMAN TANNER: That seems to me to be a large number of facilities.

MR. BACA: It is; and you recall, I've used the caveat, "absent the health assessment." If you're strictly talking about siting, these are some rules that I think force equitable balance. If you do site a facility within 10 miles, each subsequent facility, from the first that is sited, would be reduced in capacity by 500 tons per day. For example, the second facility to go in could be only 1500 tons per day, and the third one at 1000 tons per day, and the fourth one 500. (3) In addition to that, I would put in a restriction that says that once you build a facility there will be no expansion on the size of that facility until it operates successfully for 10 years. That may seem like a harsh condition, but recall, I'm not saying that these rules would prohibit the siting of facilities; it would only prohibit the expansion of already built facilities and would prevent the concentration of waste-to-energy to any given location.

If you adopted those rules, what you would find is that the San Gabriel Valley has already had more than its share; the northeast central L.A. area in Commerce, Southgate and Vernon (where the Lancer Project is) has already experienced its limit. It would force the siting of facilities throughout the south coast basin -- in Palos Verdes, in Redondo Beach, in Torrance, in Beverly Hills, in Westwood -- those areas, and in the San

Fernando Valley. The point that I'm making is that if we are to have waste-to-energy, we ought to have some rules to start with that force the equitable balance of those sitings. If they're good for the San Gabriel Valley, they ought to be good for Beverly Hills and Chatsworth and Glendale, and I think only by having rules at the State level, that force that equitable balance, are we going to get them throughout L.A. County.

CHAIRWOMAN TANNER: We are developing legislation now that addresses the fair share problem -- not problem, solution.

MR. BACA: That's the end of my discussion, if you have any questions.

CHAIRWOMAN TANNER: Questions? No. Thank you very much Mr. Baca.

I am going to invite Mayor Moses to speak next because he has an appointment. Mayor Moses, Eugene Moses, from the City of Azusa.

MAYOR EUGENE MOSES: Thank you. Good afternoon, Honorable Chairman, Committee Members. The name is Eugene Moses, Mayor of the City of Azusa.

I would like to say the City of Azusa had plans to build a waste-burning plant. After careful investigation of the facts, we decided against the project.

A survey of the area showed 85% of the people were against this project. And in early 1983, National Geographic Magazine published an article indicating the result of several European studies investigating the pollution caused by incineration in the industrialized countries.

Air flows in Europe carried pollution from the Atlantic Ocean and countries to the West into the mountains to the East. The pollution has had significant impacts in these mountain areas. In the Black Forest area of the Bavarian Alps, Southern Germany, and Northwestern Austria, the effect of the incineration's pollution had had a severe impact. In the early 1970's the Europeans initially began to see trees dying, and the growth of new trees stunted. This area is a big tourist attraction and local retreat, so scientists began to study what was affecting the trees. As the studies proceeded, they found the problem was increasing as time went by. The scientists confirmed that pollution created by the incineration industries in the countries to the west of the Black Forest was carried by wind flows and then distributed to the rainwater, and turned to acid rain. This pollution was the direct cause of the blight. As the incineration industry grew, pollution levels were increased and the blight became worse. At this time, 25% to 35% of the Black Forest area has been affected by the pollution produced from incineration industries. Thousands of acres have been defoliated by the pollution and the effects are continuing. The studies have implicated several constituents of the pollution which have caused this destruction, the primary one being dioxin. Because the air flow in the Los Angeles County Basin is much the same as in Europe, from the ocean to the mountains, the pollution is carried into the mountain retreat areas in the same way. The effects of such pollution in the Angeles Crest area and the San Gabriel Mountains will be similar and have already been felt to a

degree. As a result of these studies and other findings, many European countries have placed moratoriums on the building of new incineration until further research can be done. The Europeans, who are approximately 15 years ahead of the U.S. in the incineration industry, are now realizing the detrimental effects of incineration.

On the other hand, composting of their waste materials has been shown to have few problems except as they relate to specific technologies. The compost produced is not only beneficial but found to increase agricultural productivity and to decrease the need for pesticides and fertilizers. The lessons the Europeans learned were extremely costly. The effects the incineration industry's pollution will have on our mountain areas can be avoided. Non-polluting alternatives such as composting and recycling are valuable to dispose of these wastes. We need stronger regulation to clean an already over-polluted environment and state support of waste disposal technologies that do not pollute.

In ending my speech, I'll have to say that Irwindale's plant, which is to be located in a 200-foot pit, would be very dangerous to the water supply. It sits right on a water bed. And this plant would be so huge that we think that maybe 40% of the time it would not be in operation due to breakdowns. All this trash would have to sit somewhere. Also, where are they going to get their water from? Azusa doesn't even know if we can supply the water yet. Second, what are they going to do with the fly ash? It's dangerous. Are they going to haul it to Azusa's

dump or where? That, we'll be looking into. So please take this into consideration, and I think all of you have done a fine job and thank you very much.

CHAIRWOMAN TANNER: Thank you very much. Question?

Thank you. Our next witness will be Katherine Witherspoon, who is the legislative representative from the California Air Resources Board. Ms. Witherspoon.

While you're doing that, I'll mention to the audience that our next witness, Dr. Larry Brunton, who is a member of the Scientific Review Panel on Toxic Air Contaminants, came down with pneumonia and won't be here, so we asked Ms. Witherspoon to go into some of the discussion on dioxin that Dr. Brunton was going to mention. But, she won't be going as in-depth as he, well, I don't know, maybe you will be. I don't know. All right.

Wally, can you help? Oh, we have Assemblyman Frank Hill here. Thank you, Frank, for coming.

Can you help? Oh, there we are.

Do you need the lights turned down some?

MS. KATHERINE WITHERSPOON: Good afternoon, Assemblywoman Tanner and members. My name is Katherine Witherspoon and I'm here representing the Air Resources Board. I'd like to extend greetings from our Executive Officer and Chairwoman who couldn't be here. They appreciate the opportunity to address the Committee on this issue, and I'm sorry they weren't able to make it.

I had a presentation written down here that I was going to go into but there were so many questions this morning about

the Air Resources Board's policy about offsets, etc., that I'd like to ask the committee if you would prefer for me to address those questions first and then go into my prepared comments.

CHAIRWOMAN TANNER: Yes, that would be very good. And the..., I think it was Mr. Baca's testimony, too. Can you respond to that rule? No, I wouldn't ask you to do that. Go ahead.

MS. WITHERSPOON: All right. I'm going to start with the concept of offsets, because it lies at the base of several of the questions that the committee has been asking about what sorts of offsets should be allowed, where they come from, how great they are, etc.

The concept of offsets was designed to accommodate growth while at the same time creating progress towards the attainment of national ambient air quality standards and state air quality standards. The four criteria which govern offsets under state and federal law are that they be surplus, which means above and beyond what is required to move toward attainment, that they must be quantifiable -- it's not a guess about how much is being produced by actions reducing emissions at a source. They must be permanent. You don't get a reduction at one time and then claim it for the next ten years. And then finally, they have to be enforceable. When an offset requires an action on the part of one party to maintain operation at a certain level, there has to be a contract between that party and the person to whom he's giving the offset to ensure that it remains in place for all time.

Now, something that's concerned quite a few people is the concept of "surplus" in the South Coast District. People say, "With the air so bad here, how can there be any surplus?"

Well, again, it's an accommodation. There really isn't surplus. We need a lot of reductions to attain the standards, but we're saving a bit. We're saving a set of reductions that industries can use and come in and build new facilities and those will be separate from the reductions which we put in our plants, and which the South Coast District achieves through rules to ultimately attain the ambient air quality standards. This slows us down a bit, but without any offsets held off for industrial growth, it would be a no-growth region and I think most communities here wouldn't support that kind of a concept. So offsets maintain the status quo. They slow us down a bit, but they do not, they should not, interfere with progress toward air quality except to delay it just a little bit.

CHAIRWOMAN TANNER: What if..., the question that Mr. Lancaster asked, if a plant closes down for a year and so then the air quality apparently would improve, and those offsets, then, are sold to someone a year later, then the benefits would be lost.

MS. WITHERSPOON: I was just getting to that.

CHAIRWOMAN TANNER: Oh, okay, I'm sorry.

MS. WITHERSPOON: The shutdown issue is one which is very controversial, and so it is what lies between banking, which some of you might have heard about, when companies do something a little bit extra to reduce emissions at their facility and they

wish to claim a credit for it, which they can then market to others persons, and the next... Let me back up just a moment.

The conflict of shutdowns..., how can I explain this? It's very complicated. We do allow banking in different regions in California if the activity, as I mentioned, is in addition to what is otherwise required under the rules. EPA has separate provisions relating to shutdowns because it's not an activity that happens in a clear, definable way with the purpose of banking the credit. Instead, it is a facility closing down. And what EPA wants to see with offsets is that they happen contemporaneously with the time that the new facility begins operation. The key issue is timing. If the shutdown occurs in a narrow enough time band between the beginning of operation, then it is considered legitimate and can be applied against the source. If it's too far previous, then it is not a legitimate offset and it goes into the bigger pot of reductions that we use to achieve attainment of the national standards.

ASSEMBLYMAN FRANK HILL: Excuse me, what is the time frame?

MS. WITHERSPOON: I believe the time frame is within one year of the date of the final permit.

Perhaps the district can address that when they testify later.

MR. SANFORD WEISS: Excuse me, my name is Sanford Weiss. I'm Director of Engineering of the South Coast Air Quality Management District.

When one is dealing with shutdowns, the question, as Ms. Witherspoon referred to, of contemporaneous..., the timing between the shutdown and the new project, becomes one of importance. EPA is the governing and driving force in this regard. And they have issued a benchmark, if you like, that is to date specified timing within the date that the application for the permit is filed with the responsible agency. Now that timing varies depending on where you are in the state of California or in the United States. In our South Coast District, depending on which version of new source review we're dealing with, the critical timing was within plus or minus 90 days of the date the application was filed or, more recently, with more recent legislative change, within the time the application is filed to the time the new equipment is started up is referred to as contemporaneous. A shutdown that occurs within those critical time limits is called "contemporaneous" and would be allowable if all the other criteria that were referred to earlier were satisfied.

As we said a moment ago, it's long, complicated, and drawn-out.

CHAIRWOMAN TANNER: Like, how long could that be?

MR. WEISS: Ma'am?

CHAIRWOMAN TANNER: How long a time could that be?

MR. WEISS: Well, for older projects that have been going through the review process for some time, that contemporaneous period is within ninety days of the time the application is filed.

CHAIRWOMAN TANNER: What about a new project?

MR. WEISS: For a new project it is the time from the time the application is filed until the time the new equipment is started up. That varies anywhere from about...

CHAIRWOMAN TANNER: That could be two years or three years?

MR. WEISS: It could be anywhere from months to perhaps a year or two.

CHAIRWOMAN TANNER: Okay, thank you for answering the question.

MS. WITHERSPOON: Thank you, Sandy.

It does differ district-to-district and I have to keep abreast of the new source review rules to know exactly what the time limitations are.

Another question that was raised earlier about offsets, in addition to timing and whether shutdowns were legitimate, is the distance and by what ratio offsets are provided for sources.

There has been a great deal of concern expressed about offsets located several miles from a new facility.

There really aren't strong firm guidelines on this question, except that, in all instances, there must be a net air quality benefit. And that can be demonstrated, or should be demonstrated, both within the Basin as a whole, and also within the impact area of the new facility. So that, ideally, offsets are obtained nearby or upwind where the ultimate impact area is going to be the same.

CHAIRWOMAN TANNER: Mr. Hill has a question.

ASSEMBLYMAN HILL: On that point of making improvements, is there a certain percentage improvement, is it a one-for-one exchange, is it a five percent?

MS. WITHERSPOON: The ratio for offsets in several parts of the state varies by distance. At a minimum it must be one-to-one, because you have to maintain the status quo, and it should be a little bit more, because you always have a trade-off. You can't be identical unless it's within the same facility.

ASSEMBLYMAN HILL: What's the logic why we should even allow the status quo? Why shouldn't, every time we go through this whole offset process, we see some major improvement in the overall air quality?

MS. WITHERSPOON: Well, we do try to do that and, in fact, the South Coast District, which I meant to mention earlier, when they bank emission reductions, they take ten percent off the top as part of their progress toward attainment. So they do not give out exactly one-for-one when someone comes in to bank. And they are trying to move a step further. The key issue here is the availability of offsets. It's already quite difficult to find them in this region and so you do the best you can with what's available.

ASSEMBLYMAN HILL: Thanks. Thank you.

MS. WITHERSPOON: So, in the South Coast District there is a maximum offset ratio of 1.5 to 1, there have been discussions earlier about some rule changes they've been considering. I'll let the District address those questions.

The second, or the third question which came up about offsets this morning were the types of reductions which were being put together into packages and whether they were legitimate. I think it was Mr. Carry who mentioned methanol buses and claimed that he was told the rules would not allow this.

I'm not sure why he made that statement. Any offsets can be approved by EPA, by the Air Resources Board to the extent that we're involved, and by local districts if they can satisfy the four criteria I mentioned to you earlier. Again, those are surplus, beyond what we need to achieve the standards, quantifiable, which sometimes is difficult to do with vehicular sources, permanent, and enforceable. So, there have been proposals to have ride-sharing and other arrangements like that to bring down vehicular emissions. Unless you can be absolutely sure that the person's participating, and will continue to do so for the life of the project, it's difficult to call those legitimate but, in any event, they can be approved.

The final question which came up about offsets had to do with the timing of applications. And this, again, was something Mr. Carry addressed: the rush to get applications in prior to the change in law between the Baker Bill and the new Rosenthal Bill. I want to make one point which has not been raised thus far, and that is that while the Baker Bill provided an exemption from the offset requirement to the applicant, it merely shifted that burden to the local district. The bill was not intended to allow there to be pollution for the sake of energy development, or

waste disposal, or anything else, but merely to provide some assistance from the local district. The problem, again, in the South Coast is that they have a difficulty providing offsets but they have been working since the Baker Bill was passed to find the kinds of offsets they need to accommodate all the cogeneration and resource recovery facilities that they have gotten applications for. I understand that just recently they decided that they're going to have to shift the burden back to the project applicants and they adopted a new rule, rule 1301, which states that anyone that does not have their permit to operate by the effective date of the rule, which was September..., sometime in September, must provide an offsets package to the district. So, it wasn't a giveaway and they are working still to come up with a mitigation that allows them to preserve the existing level of emissions.

Did I...

CHAIRWOMAN TANNER: How would that affect the Puente Hills project?

MS. WITHERSPOON: Well, it means that the Puente Hills proponents are going to have to propose offsets on their own and that the district will be evaluating whether or not they're going to be sufficient.

Does that cover the questions that were asked about offsets this morning?

CHAIRWOMAN TANNER: I think so.

I'm curious about one thing. How are offsets brokered? I mean, how do people know?

MS. WITHERSPOON: Well, each facility is under permit, with a given emission limit for different pieces of equipment at the facility. If they come in with an application to reduce emissions by a greater extent, more than is required by any law, either on the books or sort of near in the future, because you wouldn't want to give them a credit if you were going to require it within the month or something, then they demonstrate their emissions prior to the modification, and they demonstrate their emissions after the modification, and they can be issued a credit for the difference. That credit becomes a commodity which can be sold on the open market.

CHAIRWOMAN TANNER: And if I were a buyer, how would I know where I could buy?

MS. WITHERSPOON: There are some consultants who make their living by publicizing the offsets that are available or finding them for you.

CHAIRWOMAN TANNER: Probably a good living, too.

MS. WITHERSPOON: Uh-huh. I don't know how many are available.

CHAIRWOMAN TANNER: Mr. Hill has a question.

ASSEMBLYMAN HILL: Maybe just a follow-up on that question. Is the information that these brokers are using, do they get that from the AQMD or the Air Resources Board? How does that...?

MS. WITHERSPOON: We don't, at the Air Resources Board, have a list of banked offsets. I think some districts have more or less complete files on what is available within their districts.

ASSEMBLYMAN HILL: Is it public..., I guess what I'm asking, is that public information?

MS. WITHERSPOON: Sure, the fact that they were granted would be public information. It's just tracking them down. It's not a secret, it's been something that's been well publicized for several years.

ASSEMBLYMAN HILL: And can you give me any idea what's the value of those offsets, in terms of a dollar amount?

MS. WITHERSPOON: It depends on how difficult it is to achieve reductions of the pollutant you're concerned with. Basically, when the South Coast District, I'll use it for an example, adopts new rules, they have a benchmark dollar per ton figure of what it's costing their industries to bring down each additional quantity of pollution. So, at a minimum, you'd have to pay what the prevailing rate per pound of pollution, per ton of pollution, is in the district and probably a great deal more because it's a growth opportunity.

ASSEMBLYMAN HILL: So that's not a set price. That's just whatever the marketplace determines you can get for those offsets.

MS. WITHERSPOON: That's right. That's right. Several thousand dollars.

ASSEMBLYMAN HILL: I'd like to know, maybe, from someone else when they come up here. I'd like to hear some, just some highs and lows in terms of some specifics.

CHAIRWOMAN TANNER: Not now, but, but...

ASSEMBLYMAN HILL: At the right time. I'm just curious. I have absolutely no idea what that Irwindale plant, for instance, would have to come up with in order to buy those offsets. I'm curious about that.

The last question I have for the Air Resources Board, I'm not clear on the relationship between the ARB and the South Coast Air Quality Management District. Maybe you could explain that.

MS. WITHERSPOON: The Air Resources Board is the lead agency for all the purposes under the Clean Air Act, which is to prepare the plans which will allow us to achieve attainment and to oversee the activities in each of the forty-three air pollution control districts or air quality management districts. And we also have primary authority over vehicular sources, so we adopt new standards. I imagine your question relates more to permitting new facilities. That is the primary authority of the local districts, and our role with permitting is to offer guidance and assistance as needed.

ASSEMBLYMAN HILL: Okay, thank you.

CHAIRWOMAN TANNER: I'm especially interested, and this would be the Air Resources Board's authority, I would guess, or responsibility... How much testing has been done on the emissions? For instance, we heard dioxins and furans... Tell us about that. How much testing has been done? I know that the dioxins have been studied by the Scientific Review Panel, is that correct? And there have been decisions made on dioxins.

MS. WITHERSPOON: Yes, that's right. We did list dioxins and furans, chlorinated dioxins and furans, as toxic air contaminants on July 25 of this year. And, with regard to your question about testing, we don't have any operating facilities here yet so we haven't been able to do source tests in California. We'd hoped to get some done at the Lassen facility, but that facility, as you know, has been undergoing economic difficulties and hasn't gotten its insurance, so it's not operating yet. In lieu of testing in California, we have funded tests in Japan of the types of incineration technology, including control technology, that will be used here in California to find out more about emission rates and we've also partially underwritten tests in Pittsfield, Massachusetts. In addition to those two, which we have been directly involved in, we've been in close contact with air quality officials in Florida and in Oregon to find out what kind of results they're getting from their source tests of facilities.

CHAIRWOMAN TANNER: What are we finding out?

MS WITHERSPOON: We're finding out that some technologies, some incineration technologies, are producing quite low dioxin emissions and may be preferred technologies for the future.

CHAIRWOMAN TANNER: You say some are very low.

MS. WITHERSPOON: Yes, the fluidized bed, for example, is something that we've been seeing promising results from.

CHAIRWOMAN TANNER: So there is a state-of-the-art that looks very promising?

MS. WITHERSPOON: There is an emerging state-of-the-art.

CHAIRWOMAN TANNER: What about the types of facilities that are being proposed now, or being built now in California? What kind, what can we expect from those emissions?

MS WITHERSPOON: In terms of actual quantities, or...?

CHAIRWOMAN TANNER: Dioxins.

MS. WITHERSPOON: We don't know the actual quantities of emissions that we're going to get from these facilities yet. The first testing has been an attempt to find out what exactly is emitted and more importantly where it forms in the combustion and control process, so that we might reduce it to some extent before it leaves the stack...

CHAIRWOMAN TANNER: But once the facility is in operation, isn't that a little late?

MS. WITHERSPOON: Well, what we've done in lieu of actual knowledge about emission rates, we have projections of what the emission rates will be and we also know how those correlate to ambient concentrations and public health risks and if we've can't predict what the emission's going to be, we simply state as a condition in the permit that it shall not exceed a certain limit. Shall not as a condition to continue operating. And if we find, once the facility is operating, that it does exceed the limit, the facility has to be shut down, retooled. We'll figure out some way to bring the emission down to the level we know we can sustain.

CHAIRWOMAN TANNER: What causes dioxins?

MS. WITHERSPOON: I can't answer that question. I'm not a chemist or an engineer. It appears to be formed during the combustion process, but there are some theories that it's present in the waste before it is burned, or that it's formed during combustion, or ultimately that it's formed as the gases cool. We don't know for sure.

CHAIRWOMAN TANNER: When you're testing or you're having studies, or you're using those studies that are being performed in Japan and Massachusetts and other places, how does that waste stream compare with the waste stream that we're told we have here in California, and how do we know what the waste stream is here, or anywhere? When we're considering incinerating, for instance, hazardous waste, we know exactly what the waste stream is. The kind of wastes we're talking about, garbage, trash, there really isn't any way of knowing, is there, what the waste stream is?

MS. WITHERSPOON: You are dealing with a highly variable waste stream.

CHAIRWOMAN TANNER: And so, what could possibly be emitted today..., let's say we have a facility in operation, what is being emitted today from those stacks is not necessarily what would come out of those stacks tomorrow. It depends on what the waste stream is, and no one knows...

See, that's the thing that I'm really concerned about. And I would certainly hope that the Air Resources Board is thinking about that because once the state permits, or once a local government permits a facility, that facility is in operation and, you know, we have landfills for hazardous waste

that were permitted and now people are..., and people disposed of their wastes properly in those permitted facilities and now there is tremendous liability against those industries that disposed of their waste. What about the state permitting and not knowing what they're getting into?

MS. WITHERSPOON: I didn't mean to imply that we're not looking quite closely at what relationship exists between the waste stream and the ultimate emissions. We are.

CHAIRWOMAN TANNER: But you don't know...

MS. WITHERSPOON: I can't look into the future. By the same token our source tests are looking at not only what comes out of the stack for a given waste stream, but varying the waste stream and looking at what kind of impact that has. The Swedes also are doing several different kinds of tests: everything from adding peat moss to see what effect that has, to shutting the facility on and turning it back on repeatedly to see if that has some impact, so we're looking at different kinds of pre-incineration treatments and different kinds of operating parameters to find what is the most -- what is the set of parameters most conducive to low emissions. And we will be applying those as they are developed, to these facilities. And Assemblyman Sher's 3989 allows us to do that because it provides that retrofits will be applied as soon as they're available for waste-to-energy facilities.

CHAIRWOMAN TANNER: That's important.

MS. WITHERSPOON: Very important, we feel it's a very good bill.

CHAIRWOMAN TANNER: Yes. We all supported that bill. But what worries me is that we are going to permit facilities -- facilities are going to be popping up all over the State, and we don't have the results of those studies. And, what we will have to do is retrofit, and it seems to me that we're putting the cart before the horse, and it concerns me.

Mr. Eaves has a question.

ASSEMBLYMAN EAVES: No, I was going to pursue it, and you've already pursued it for me, Sally. You're doing a great job, just keep it up. I was wondering about the waste stream and how they monitor it, and how the dioxin in Massachusetts was being studied and all those things, but she answered the question for me.

CHAIRWOMAN TANNER: Okay. All right.

MS. WITHERSPOON: I had some other things I was going to tell you about today.

CHAIRWOMAN TANNER: Tell us. Tell us.

MS. WITHERSPOON: Let me get this light on.

When Peter Venturini, of our staff, spoke with you last December, he quickly covered what our involvement in the waste-to-energy has been thus far, and I would like to recap his presentation for the benefit of people who were absent, and then tell you more about what we've been doing this year. You can't see the slide; it was a photograph of the two reports we put out -- one in 1980 and one in 1984 on the air pollution aspects of resource recovery, of which waste-to-energy facilities are a subset.

This is a slide of the types of pollutants which we find from waste-to-energy facilities, and describe in our report, and we also, in that report, suggest emission guidelines which we feel could be met using best available control technology. These are in use, I believe, in several districts throughout the State. They certainly pay attention to the guidelines as they're doing their control technology evaluation.

One of the things we discovered as we investigated control technology and emissions was that some toxic or potentially toxic substances, are substantially controlled by the use of traditional control devices, and here is an example of particulate matter. You can see for a standard particulate, we only achieve a 47% reduction with the electrostatic precipitator and fabric filter, but we get a 98% reduction in the lead content of the exhaust and a 97% reduction of the cadmium -- of the emissions, not the exhaust; I'm sorry.

This is a slide of dioxin and dibenzo furans, which I already mentioned, and which we listed on July 25, as toxic air contaminants. This was the first step in a two-phase process that was established by Assemblywoman Tanner in 1983 (the Toxic Air Contaminant Control Program). We're now in phase two and are looking at and developing appropriate controls. Phase two, like phase one, has several procedural steps, which are designed to ensure a thorough review, an examination of all alternatives, and participation of public members. This is a schematic of what goes on during the control phase under the air toxics program.

We're working on a needs report, which you see there in box 1; that is an examination of to what extent controls are needed in California, based on how much we have in the air of substances of concern -- what the sources are, their contribution, what the controls are, their effectiveness, whether substitutes are available (if that is applicable), and public exposure.

Following the completion of the needs report, which for dioxins and furans will be sometime late next year, we have a public hearing at which we discuss the controls that we've come up with for this substance and we take comments from interested parties and then refine them a bit and adopt them as formal control measures. After that time, the local districts begin their own hearing process and have 120 days to adopt the same or equally effective measures. Now, most districts are tracking with us, so we can expect that they'll be moving probably a little quicker than the 120 days, but they have 120 days by law.

CHAIRWOMAN TANNER: That was a pretty good bill, after all.

MS. WITHERSPOON: It's a wonderful bill. These are the factors, already mentioned briefly, that have to be considered after we do our needs report: again, the sources, the category and their relative contribution, the physical and chemical characteristics of the substance in the air, the public health effects of exposure that's an aggregate number, the availability and cost of controls as related to the risk, how effective they are and, again, the suitability of less hazardous substances.

That is a factor that is more important when we're looking at a substance such as a solvent that we could replace with another.

Concurrent with our work on the needs report, the Air Resources Board is going to be administering a one-year contract for the ambient monitoring of dioxins and furans in the South Coast Air Basin, next year. We've put out a request for proposals and have received, I believe, almost a dozen responses and I'm in the final stages of selecting a contractor. What this monitoring is designed to do is to give us a rough sketch of the background levels of dioxins and furans, which are present in the L.A. Basin in residential locations, in industrial locations, and then to compare them to some pristine samples taken from less polluted areas.

CHAIRWOMAN TANNER: Will you be going into, for instance, the City of Los Angeles, the San Gabriel Valley, and all the affected areas?

MS. WITHERSPOON: It is ultimately up to the contractor, where exactly the samples will be obtained from, although one criterion for the study is that special attention be paid to sites where waste-to-energy facilities are located now, or will be located in the future, because we both want to see the kind of impact they're having, and then provide a very rough baseline against which to measure future activity. This does dovetail on the recommendation of the Scientific Review Panel, which I know you wanted me to talk about, which is that we should do as much monitoring as quickly as possible. We're moving forward expeditiously.

This is a picture of one of our quality assurance labs. It turns out that one of the greatest difficulties with measuring dioxins is not taking the samples, it's a simple gaseous and particulate sample, but it's the analysis, because we have to break the sample down into picograms, which is one-millionth of a microgram which is one-millionth of a gram. That's what we're looking at when we analyze dioxins and, more than that, we're only looking for particular isomers. There are a couple hundred different isomers of dioxins and furans and we're only interested in a few of them, which are the most toxic.

Which brings me -- I guess I can turn now to what's going on in the South Coast Air District, because that was another set of the questions put to the board in your pre-hearing letter.

The South Coast is one of four districts in the State that cannot achieve the national ambient air quality standards by 1987. The other four are listed here. Now, the Clean Air Act provides for the imposition of sanctions in any district that can not achieve the deadline. However, EPA has developed a new program, under which they will not impose sanctions if every reasonable effort has been made to obtain the standards as quickly as possible.

In your letter to the board, you asked us about the status of the joint EPA/ARB audit of the South Coast Air Quality Management District. That audit is part of the reasonable efforts program as an attempt to evaluate the effectiveness of existing regulations and, where appropriate, refine them so we

can get a bigger bang for the bucks we already have, so-to-speak. And, the second part of the reasonable efforts program is to come up with new measures that bring us quickly -- bring emission levels down quickly and into compliance as soon as possible. So the audit -- we've conducted the investigation over the last couple of months, and are in the process of meeting with the district (NEPA) and the Environmental Protection Agency on our findings.

This is a standard procedure which gives the district an opportunity to provide additional information that may affect the findings of the audit and to offer their own suggestions as to how any deficiencies might be remedied. Following those meetings, we'll be issuing a final report, which should be out some time next month. So that is the status of the audit.

The last thing I wanted to talk to you about, today, was the concept of "sensitive zones", and what ARB can suggest to you about improving air quality in the San Gabriel Valley and in the San Bernardino region. To do this, I want to digress for just a moment and talk about some general, meteorological concepts. You've been hearing all morning about wind flows and impacted areas, so I might just do that for a moment.

This is a standard introductory meteorological slide -- everyone who comes to work at the ARB has seen this before -- it describes the factors that affect the concentrations you find in the air. You have your emissions source, the dispersion of the pollution that comes from that source, which is a function of wind and temperature (and also the speed at which it leaves the stack), and then, ultimately, the receptors downwind.

In the South Coast District, the prevailing breezes during the peak ozone season are as you see them here. It does change throughout the year, but the times when you experience the greatest pollution concentration and air quality episodes, this is the sort of wind pattern you're looking at for the most part.

CHAIRWOMAN TANNER: Everything's coming this way.

MS. WITHERSPOON: Yes. When you combine that with a -- something characteristic of the South Coast District, an inversion layer -- and then secondly (it's a little too dark), a mountain range which traps the pollutants under that inversion layer so they can't continue moving into the eastern areas, you end up with situations like this. So, in terms of sensitive areas...

CHAIRWOMAN TANNER: Actually, that's on a better day.

MS. WITHERSPOON: That's true; but it does show it's stacked up right against the mountains...

Oh, you can't see this either. I do have photographs -- or xerox copies to hand you -- of these.

CHAIRWOMAN TANNER: Maybe we could turn some of the lights down.

MS. WITHERSPOON: Back in 1970, the Air Resources Board identified fourteen air basins within California, as required by State law, and tried to draw the boundaries based on similar meteorological physical characteristics, but also in consideration of political boundaries where possible to do so. The South Coast (you can see there) is represented in blue, and you may notice (go to the more detailed slide) that the basin

boundary, the heavy black line dissects the district. Other districts -- or most of the other districts -- fall within a single air basin, so we've already recognized, within the South Coast, itself, that there are different regions, and to the extent possible, we've tried to keep efforts focused at -- distributed over these regions and their -- most are obtained within the same air basin at a minimum of where the new facility will be located..

To sum up, we have considered sensitive areas, come up with the basin concept, and because of the onshore breezes that you have here in Los Angeles and the South Coast region, I don't know if you gain anything by breaking that up further still. It appears to us that you get the most benefit in the San Gabriel Valley and in San Bernardino by reducing the emissions throughout the South Coast Air Basin portion (so it's from the coast inward to the mountain range).

So, I'll just leave you with that thought, and I'll be happy to answer any questions.

CHAIRWOMAN TANNER: Mr. Hill has a question.

ASSEMBLYMAN HILL: I just want to follow up on that last comment. Were you talking about the fair-share concept that has been talked about in the position paper, here?

MS. WITHERSPOON: Will I talk about the fair-share?

ASSEMBLYMAN HILL: No, no. I thought you had just made the statement that it appears that leaving the existing big boundaries works the best, by looking at air pollution from the big perspective, are you aware of the proposal we've talked about, the so-called fair-share proposal that ...

CHAIRWOMAN TANNER: ...and sensitive zones.

MS. WITHERSPOON: Well, I was more addressing my comments to the sensitive zones. Where you locate waste disposal facilities is a little bit different than the sensitive zone concept. I understood that the idea was to try to attain better air quality protection within the sensitive zone, and the comment I'm making to you is that a great deal of your pollution is coming from outside of the area you would like to call a sensitive zone, and that, perhaps, a broader perspective would be, ultimately, more beneficial.

ASSEMBLYMAN HILL: But, I think, if I could tell from the air patterns correctly, that the San Fernando Valley, for instance, that that pollution is not really impacting on, that is, the wind was blowing a different direction.

MS. WITHERSPOON: It is from the more western -- southwestern -- portions of the district.

ASSEMBLYMAN HILL: Let me put it a different way. If there was a waste -- if we had a fair-share plan, where different regions of the county took their own share of solid waste and, presumably, their own waste-to-energy facilities, if there was a waste-to-energy plant built in Calabasas, is that going to impact the air in the San Gabriel Valley?

MS. WITHERSPOON: You'll have to help me on the geography; I don't know where Calabasas is.

ASSEMBLYMAN HILL: Past Woodland Hills, out the Ventura Freeway.

MS. WITHERSPOON: Is that going to help you? As opposed to having it in the middle of the San Gabriel Valley?

ASSEMBLYMAN HILL: Well, what I'm wondering is if the San Fernando Valley takes care of their own trash and we take care of our own trash, is that plant built out there in Calabasas going to impact people in Baldwin Park?

MS. WITHERSPOON: Yes, to the extent that it emits pollutants that travel regionally through the district, and quite a few pollutants are transported for distances of several miles.

ASSEMBLYMAN HILL: I understand that; we're talking about something about 40 miles away, and I thought, looking at those airstreams, that there were different regions of the county that ...

MS. WITHERSPOON: I understand that the South Coast District has one of their meteorologists here, today, perhaps he can go into greater depth on this question.

CHAIRWOMAN TANNER: Yes, but your statement that perhaps the air basin -- the region as it is now -- is we're probably better off, but we're not better off at all.

MS. WITHERSPOON: No, it's not a question of "better off". What I was suggesting is that if you're looking to see, for example, more emission reduction, so you could improve your air quality in the San Gabriel Valley, you would get as much benefit from having those reductions occur outside the Valley, in the western portions from where the pollution is transported, as within the Valley, itself.

CHAIRWOMAN TANNER: You mean as it moves toward us, doesn't any of it dissipate?

MS. WITHERSPOON: Oh, yes, it does dissipate, but you're still going to have transport even if you had no pollution, whatsoever, in the San Gabriel Valley.

CHAIRWOMAN TANNER: But, let's say we have all the waste-to-energy plants right here in the San Gabriel Valley. It would be no worse?

MS. WITHERSPOON: I think it would be worse. I didn't mean to say that that wouldn't be worse. To the extent that you would go after more stringent controls, we would urge you to do so in the whole basin, because then everyone in the South Coast Air Basin will benefit.

ASSEMBLYMAN HILL: Well -- I'm sorry.

CHAIRWOMAN TANNER: Go ahead.

ASSEMBLYMAN HILL: As somebody who is concerned about the San Gabriel Valley, and not the entire region, it still seems to me, based on those air flow patterns, and we ought to ask this of the meteorologist, that the folks in the San Gabriel Valley area are definitely much better off under the fair-share -- it couldn't be worse off, under the existing system now, where the stuff is coming in and it appears to be there are certain areas of that basin where placing plants in those areas are not going to impact us.

MS. WITHERSPOON: I wouldn't make a blanket statement for all pollutants but, generally speaking, that is true. If you move facilities out of the immediate area, you should get some air quality benefit, but not as much as you might hope.

Any other questions?

CHAIRWOMAN TANNER: I have no more questions. I have a lot of questions, but I just don't know. It is such a concern for us because our air quality is so bad, and we -- none of us -- are interested in keeping industry out and stopping growth, but what we certainly are interested in is not only cleaning up the quality of our air but protecting the people and the environment. Just how do we do that -- we certainly are expecting ...

MS. WITHERSPOON: Well, we are quite as concerned as you are, and sensitive to the problems that are occurring in your district, and as I mentioned earlier, EPA has the reasonable efforts program which is designed to bring about emission reductions and attainment of the national standards, and that is a districtwide attainment as soon as possible. We've thrown a lot of our efforts in with EPAs to see that come about and are continuing to do that on our own, looking at more vehicular controls as were suggested earlier today. We're constantly evolving with our standards for vehicles.

CHAIRWOMAN TANNER: Mr. Hill.

ASSEMBLYMAN HILL: Well, the problem with that logic is, looking at it from a district AQMD districtwide region, we clearly have certain areas of the county that are doing a disproportionate share. My Assembly District -- and there are probably 30 Assembly Districts in Los Angeles County -- and I have four landfills in my district alone. Somehow, we don't have a disproportionate trade-off. I tell people that if they feel down in the dumps, they're probably in the 52nd Assembly District.

MS. WITHERSPOON: It's a good line.

CHAIRWOMAN TANNER: Okay, thank you very much.

MS. WITHERSPOON: You're welcome.

CHAIRWOMAN TANNER: Now, I think we can ask some of those questions that Mr. Weiss was going to answer earlier. Sanford Weiss who is the Director of Engineering for the South Coast Air Quality Management District.

MR. WEISS: Good afternoon. My name is Sanford Weiss; I'm Director of Engineering for the South Coast District. I think it might be most helpful if I followed immediately what the ARB told you with a very brief presentation by our Chief Meteorologist on wind flow patterns in the South Coast District, so with that in mind then, Mr. Cassmassi, our Chief Meteorologist will give a brief presentation right now.

MR. JOSEPH CASSMASSI: By the way, I didn't write ...

CHAIRWOMAN TANNER: I'm sorry; I didn't -- your name, again, is?

MR. CASSMASSI: My name is Joseph Cassmassi and I'm Senior Meteorologist for the South Coast Air Quality Management District. My principal responsibility there, by the way, is to develop the air quality forecast that comes out every day through the media and is distributed to the public schools and industry that's part of the safety network.

I've made copies of the slides and I'd like to...

CHAIRWOMAN TANNER: It's up to you to tell the schools it's time to close or don't let the kids out or ...

MR. CASSMASSI: Well, one of the links -- we're the technical aspect of it; we're the people who look at the information and make the decisions. Let me give these to you.

CHAIRWOMAN TANNER: All right. The sergeants will...

MR. CASSMASSI: I'll try to be very brief. Basically, what I'm going to try to describe to you are some of the general flow patterns that affect the San Gabriel Valley, as well as the basin in general. What was basically alluded to before is that the district has a general distribution, whereby the wind comes from the ocean and goes toward the deserts. The reason is very straightforward; the sea breeze is generated because deserts heat up very rapidly during the daytime and draw the cool marine air in from the coast.

Because of this situation, it leads us to a very straightforward distribution of source and receptor areas. Coastal areas, in general, are source areas. That means that emissions that are emitted into the air during the early morning hours from these source areas, are drawn (because of the sea breeze) inland to the receptor areas.

The next slide depicts three of the most prominent patterns that we exhibit in the South Coast Air Basin. First of all, the sea breezes always come in roughly perpendicular to the coast and it, generally speaking, will initiate about 10:00 o'clock in the morning and will die out, roughly, about 10:00 o'clock at night and on most days it is pretty much characteristic of pattern No. 2.

I've put down, in very simplistic terms, three characteristic patterns that we do see. The first one takes it from the coastal source areas up past Burbank and through Newhall Pass and outwards toward Lancaster-Palmdale. This pattern is not very frequent; it's pretty evident in the early summer months and some times in the winter. Many of you may have heard of a thing called a "Catalina-Eddy". If you watch television, you'll find that people such as Dr. George (and some of the other meteorologists who personalize) will say, "Oh, we've got the big Catalina-Eddy." Basically, what it is is a southwesterly flow, which comes in and unsettles the air and today is an excellent example of it: we have a lot of fog, a lot of clouds, a lot of stratus clouds, and we have a south wind today. In terms of air pollution potential, that is one of the cleaner situations.

The second pattern, which is pattern No. 2 -- which is the most prevalent pattern and is the pattern that takes it right through the San Gabriel Valley -- it takes the source areas, actually both from the Long Beach area (where you have heavy industrial refining as well as power plants and other industry) as well as the metropolitan source area going from West Los Angeles to Los Angeles, and the wind flow deflects the polluted cloud during the day through the San Gabriel Valley. Contrary to popular belief, the mountains are not a giant wall, what they are is basically a channel. There is a lot of pollution that goes up into the mountain and over into the high deserts. This pattern is exhibited on a majority of days during the summer.

The third pattern we see is...

CHAIRWOMAN TANNER: I'm going to stop you for a second. I notice that originates, more or less, from the Long Beach area -- on the map.

MR. CASSMASSI: Not so much just the Long Beach area; one has to think of the source area as encompassing almost the coastal portion of the basin; not necessarily one specific area.

CHAIRWOMAN TANNER: But from that part of the coast.

MR. CASSMASSI: From the South Central Coast, yes.

CHAIRWOMAN TANNER: Yes. And, as I recall, there is a waste-to-energy facility being built there -- in Long Beach.

MR. CASSMASSI: From what I've seen, yes.

CHAIRWOMAN TANNER: In Long Beach. And so that air flow from that particular area comes right in to the San Gabriel Valley and goes into Mr. Eaves' area.

MR. CASSMASSI: Yes, that would be the predominant transport pattern.

The third pattern is a less frequent pattern; it's a pattern that takes us through Santa Ana Canyon to northwestern Riverside County. This pattern is exhibited on days when we have very severe air pollution. It is generally a very stagnant air flow and once it occurs, we find very high concentrations of ozone as well as secondary air contaminants pretty much throughout the area.

CHAIRWOMAN TANNER: Do "two" and "three" occur at the same time? I mean, if three occurs, is two generally a problem as well?

MR. CASSMASSI: Generally speaking, when three occurs the entire basin is a problem in terms of air quality.

The final slide I have is the slide depicting the number of first stages -- episode days -- that we've exhibited to date and this is 1986; and as one can see, the area that gets the dubious honor (having the highest number of Stage 1 episodes), is the San Gabriel Valley -- in particular, the east San Gabriel Valley -- the monitor in question is the Glendora Air Quality Monitor.

This pattern has been exhibited through the history of air quality monitoring and, through a lot of the actions the district has initiated, has been shrinking, and the number of days has been going down. But, as one would see, because of the transport patterns, we find that the air quality reflects the principal transport pattern of the emissions from the source areas which undergo photochemical transformation and essentially result in ozone formation.

CHAIRWOMAN TANNER: Thank you very much, Mr. Cassmassi.

MR. WEISS: The reason why I ...

CHAIRWOMAN TANNER: Oh, just a moment -- there's a question.

ASSEMBLYMAN HILL: Before he goes -- I wonder -- let me try to back up and say this a different way. Would the San Gabriel Valley be better off (assuming the trade-off is either building a -- let's say we're going to build one waste-to-energy facility and it's going to create who knows, whatever you want) are we better off in the San Gabriel Valley having that plant

built in Newhall or Puente Hills in terms of air pollution? Or Irwindale?

MR. CASSMASSI: Actually, in terms of the potential for air pollution, Newhall and Puente Hills, it is very difficult to ascertain what the impacts would be. In terms of regional air quality, there would be very little difference.

ASSEMBLYMAN HILL: No. I understand that in terms of regional, I'm just more concerned with just the San Gabriel Valley. I mean I thought you made the statement that the, I think, pattern #1 was not, #2 was most prevalent, but #1 was fairly prevalent.

MR. WEISS: If I might help a little bit. If one were going to exclusively look at those two choices with the outcome that you would like, the lowest results in the San Gabriel Valley, the choice I think is pretty clear. You would put it up out in the Antelope Valley somewhere. The people up in the Antelope Valley of course would then get some increment of air pollution from that. Maybe that's justified. That's a siting decision.

MR. CASSMASSI: I'm looking at it in terms of that fair-share proposal and it seems right now the only alternatives being discussed are the San Gabriel Valley.

ASSEMBLYMAN EAVES: The question I have according to this last chart you show it only showed 10 days of ozone episode in Riverside and 40 in San Bernardino?

MR. CASSMASSI: No, actually the Riverside Air Quality monitor measured something on the order of 20 days, San

Bernardino and Fontana were upwards of 45 days. The Azusa Air Quality monitor was slightly under 50 days. Again, the pattern reflects the principal transport, the timing elements of the photo chemical reaction, and the prevalence of the South Coast Air Basin, and for having the persistent low level inversion. So what we're seeing through control strategies is actually a shrinking of that pattern which once was bigger.

CHAIRWOMAN TANNER: Okay. Thank you very much.

MR. WEISS: I do have a prepared statement and as a preliminary to that however, let me say that the reason I asked Mr. Cassmassi to make this presentation to you is because it's fundamental to the question of offsets and the location of offsets with regard to new projects. And obviously I think you can see that what you do upwind can indeed affect what happens downwind somewhere else, there is nothing very technical or complex about that particular point. The other point I would like to make is that while Mr. Cassmassi has shown you one, two, and three particular wind regimes, there is a book about that thick that contains a whole bunch of others as well. Just because we show a particular flow doesn't mean that there aren't others at other periods during the year. What I'm telling you is typical ones.

CHAIRWOMAN TANNER: Oh, I understand that.

MR. WEISS: By way of opening remarks with respect to my prepared statement there are several items at the beginning that are sort of preliminary and I could just briefly remind you without going through it word-by-word that the district is a

single purpose agency that deals with air pollution control only. Its prime purpose is stationary sources. We have a state and local rule and regulation set up that essentially says that a permit to construct and a permit to operate is required before a new source is placed in the construction stage or ultimately placed in operation. We operate in those two stages for a given project, a permit to construct followed by a permit to operate. Either one of those stages are individually reviewed for the purpose of determining whether the engineering analysis that is made is indeed complied with. In carrying out our engineering analysis of our new or modified project, we look at a number of major elements, the first one deals with conformity with specific emission limits. The second element deals with new source review, and the third element deals with toxics. The new source review element in turn has several subsidiary considerations, one is that the project must be built using best available control technology. That is the technology that is most appropriate for that particular project at that particular location to minimize air pollution. The second major requirement is that there be offsets. And the third major element is that we give full public notice before we go forward with the project.

We also have a major consideration under new source review to look at the impacts of the project in the immediate vicinity. We do that through a mathematical simulation called modeling and our purpose there is to make sure that there are no measurable increases in terms of the criteria pollutants as far as that new project's emissions are concerned. The purpose is,

as I said earlier, to guard against localized impacts. The other major element that I referred to a moment ago is that we do evaluate toxic emissions and we take our responsibilities in that regard very, very seriously. We want to make sure that we do not authorize a project that will cause excessive health risk to anybody living anywhere in the district let alone in the immediate vicinity. So that's a brief summary of our permit process. One additional consideration in that regard is our interface with the California Energy Commission. As you heard earlier this morning, we do provide, if you like, a service, to the California Energy Commission for those projects that generate more than 50 megawatts. In the case of the Puente Hills project for example, where there are several units that have been applied for to us, those sum up to a value of well over 50 megawatts and as a result our opinion would be that if both projects were indeed going to go forward that that would be within the scope of the Energy Commission's review. We would then provide the equivalent of our permit to construct evaluation to the Energy Commission, except there it's called the Determination of Compliance, and they in turn would have the final say over whether a permit to construct would be issued or not. I have no reason to believe that if we said that a project should not go forward based on air quality problems that they would promptly turn around and let it go ahead. But, nevertheless they do have that authority under state law.

With that as background then, I'd like to briefly talk about offsets, and then I'm sure you will have a number of

questions in that regard. The purpose of offsets is not to compensate for an individual project's emissions directly in the vicinity of the project. It's important to differentiate between local impacts and the impacts downwind. For example, if one were to speak about the Irwindale Project, and assume that they were going to put out 100 units of a pollutant, then the offset process would require that greater than 100 units of reduction be carried out elsewhere in the district.

CHAIRWOMAN TANNER: Wasn't there a rule change considered in that it could be equal amount? Or there was some consideration towards that?

MR. WEISS: Yes. The situation is this. Our district rule is perhaps somewhat unique in California in that we have a sliding scale of offset requirements, we discount them, depending on the distance that the discounting source is with respect to the new project. The greater that distance, the greater the discount and therefore the more offsets have to be anted up so to speak to make up for the new project's emissions. In our district, the maximum discount value is 50%. The proposal that was put to the board at one time was to levelize all the discounts to 10%. In other words, from 50% down to 10%. The purpose being to try to encourage the use of those offsets in the far eastern part of the district. Well, that sounded like a great idea to us, it made sense, that looking at the those wind flow diagrams that you saw earlier that if you could take the new source of pollution and move them out to the eastern borders of the district, that was a reasonable thing to do for the district.

But, we tripped over our own feet. What we forgot about was that there are land masses downwind of our district's boundaries, there's a whole southeast desert out there. And as a result we didn't know what the impacts of that change would be out there in the desert. So when we realized that, we said "whoops" and took it all back and what we're doing now is going through a real reevaluation. That reevaluation is really complicated because what we have to do is develop a whole new photo chemical model that does not exist now, and that takes years. So to be candid with you I don't know when, if ever, this particular change you are referring to, will ever come back to the district board for consideration.

CHAIRWOMAN TANNER: Good, so we don't have to worry about that.

MR. WEISS: At least not in the near future I don't think.

Anyway, I think the point I'd like to make with regard to offsets and referring to the wind flows that you saw earlier, is that I think you can understand that one can make a reduction upwind of a new source and compensate further downwind from the new source for the impacts of that. Now we guard the near area through that modeling process that I referred to earlier. That has nothing to do with offsets. What we do there is we put it through the computer, look at what the concentrations are going to be around the new source and say, "Is there going to be a measurable increase?" If the answer is "Yes", either those emissions have to be reduced or we can't issue the permit.

CHAIRWOMAN TANNER: But wouldn't there be? With these three additional facilities that are being discussed, wouldn't there be considerable increase?

MR. WEISS: May I first give you a bit of preliminary information and then answer your question?

CHAIRWOMAN TANNER: Sure.

MR. WEISS: I think it's important that I stress to you that there are two kinds of pollution situations. The first one is where we're dealing with an air pollutant that doesn't change in the atmosphere, it doesn't change chemically; the second situation is one where we're dealing with pollutants that interact chemically in the atmosphere to form a nucleus. In the case of ozone for example, we're dealing with the chemical reaction, the second one. In the case of carbon monoxide we're dealing with the first one. Some of the chemicals, the criteria pollutants, are switch-hitters, they switch between the first kind and the second kind. Now with respect to things like nitrogen oxide and carbon monoxide, our evaluation so far has been that looking at the projects that we have on hand for permits, we cannot see any measurable increase from the cumulative effect of all those pollutants. Now, however, before anyone asks me a question on that, it's important that I stress that we have not modeled the downwind impacts on ozone. In other words, any time you add more pollution into the atmosphere, somewhere downwind, some more of a different kind of pollution is going to emerge. So if we find ourselves with say 10 tons of nitrogen oxides being emitted by those three projects or nine

projects, of whatever they are, we may not find a cumulative effect from nitrogen dioxide but we sure as "heck" are going to see some impact as far as ozones are concerned. So some place in the Inland Empire, if Puente Hills goes in, there's going to be a "blip" of ozones coming out of it.

CHAIRWOMAN TANNER: Okay. But, furthermore I know that a lot of it will go to the Inland Empire and much of it will stay here. But, if we have these additional projects and facilities in the San Gabriel Valley then we're going to have additional trucks coming in and going out. So are you measuring the impact of those, the additional traffic will have on the air quality?

MR. WEISS: Right, there is indeed an additional increment of pollution because of trucking.

CHAIRWOMAN TANNER: Considerably.

MR. WEISS: Inevitably. For about every thousand tons of solid waste that you move, for example 10 miles, you generate about 40 pounds of nitrogen oxides.

CHAIRWOMAN TANNER: So we're talking about not only the emissions from the stacks but we're also talking about the criteria emissions, the vehicle emissions, all sorts of additional problems.

MR. WEISS: That's correct. There are secondary effects, no question of that.

But I think the point I would like to make before we conclude that there are necessarily downwind impacts, is that the offset process is designed generally to allow an overall improvement in air quality by going back downwind to the place

where the pollution starts, saying let's make a reduction here, for the sake of an increase up there, so that further downwind, in the Inland Empire for example, one will hopefully find an air quality improvement of that result. So that's the whole thing about the offset process. It's not going to guard against the little local impact. We're taking care of that through modeling. Our offset process takes care of the big picture further downwind. So that's the way we take care of the Inland Empire and hopefully the San Gabriel Valley.

CHAIRWOMAN TANNER: Wouldn't a fair share program say just each area or region, or not region as we're talking about the air basin here, but each particular area take care of the waste that they generate themselves? Wouldn't that make sense?

MR. WEISS: First there are two considerations. The EPA and ARB are telling us that we are sitting here on a big box that's busily causing pollution or reacting. You've seen from those wind diagrams that that is not necessarily so. So from our point of view, the more we can set up relationships between where the offsets occur and where the pollution occurs, the better off we are and the better our air quality will be if we are going to have new projects. Now, I've got to make it clear to you that from the air district's point of view, any new pollution is a matter of concern because it interferes with our attaining the air quality standards. If we can minimize those impacts through better air pollution control equipment, we can do a better job by getting more and more offsets, we can model to make sure that there are no local air quality impacts, we can evaluate the heck

out of toxics, but the fact is that there is going to be some increase in air pollution. And somehow somebody has to pay the piper for that increase, either by more offsets that have to come from existing industry by further air pollution controls, or by a decrease in air quality further downwind. So from our standpoint, we'd like to see it not occur at all.

CHAIRWOMAN TANNER: All right. Say we have all these additional vehicles coming into the Valley, are there offsets that would be considered?

MR. WEISS: The offset program usually addresses itself to the stationary sources and...

CHAIRWOMAN TANNER: Sure, so then we have a real problem because the offsets don't address all of those additional vehicles.

MR. WEISS: There does seem to be a need for additional consideration with respect to motor vehicles. One of the things as you have probably noticed is that we have a single purpose telescopic view, if you like, with respect to only stationary sources. We have not been given the mandate to look elsewhere, and I'm not out here beating the drum for that authority, I just want to point out that that's all we're authorized to do. We've given you some information with respect to the refuse-to-energy projects that are pending before the district as far as applications. That's shown on our Table 1A. Those are projects that are to be located in the San Gabriel Valley. Table 1A is at the back of my prepared presentation. With respect to all of the projects in the South Coast District, for which we have permits

pending that's shown in Table 1B and it overlaps with some of the data from Table 1A. There's one significant point that I do need to make. In two cases we have made a reference to a CEC situation, namely the Irwindale project, and Puente Hills is pending but I would also like to make a side note to the effect that if the two permits that we have pending for Puente Hills were indeed to go forward, that too would end up as a Energy Commission review in our opinion, because that is, in our view, one facility and should be reviewed accordingly.

CHAIRWOMAN TANNER: Good.

MR. WEISS: The sanitation district has not however, told us if they want one project to go forward, two projects to go forward, or no projects to go forward.

CHAIRWOMAN TANNER: When will they finally tell you that?

MR. WEISS: Well we've written and asked and we haven't gotten a response yet. So we're on hold in that regard temporarily until they tell us what their desires are.

With respect to the differentiation between the former Baker bill and the Rosenthal bill, that was one of the questions you may remember you asked us about, the situation is this. As you've heard earlier, the Baker bill did give a certain degree of forgiveness with respect to the requirement for emission offsets. Basically what was required under the Baker Bill was a good faith effort. The Rosenthal bill which became active on January 1, 1986 specified that applications deemed to be complete after that date, would require a full offset process. So the critical and

pivotal date with respect to the difference between the Baker bill -- good-faith effort -- and the Rosenthal bill -- full scale offsets -- is January 1, 1986. Applications deemed to be complete before the critical date only had to do a good-faith effort. That was until the district board, in September, passed an amendment to our new source review regulation and in that amendment what they specified was that all permits that were still pending, all permits to construct, would be required to come up with an offset package that would result in a net air quality benefit. Now the reason why that particular provision was put in was twofold. First, the board recognized that these projects were substantial in terms of air pollution. And it seemed to them that it would be reasonable to require full offsets but, on the other hand, they had to recognize that some kinds of offset emissions, or some kinds of emissions, were very difficult to offset. Carbon monoxide is probably the most clearly illustrative of that. Carbon monoxide comes almost exclusively from motor vehicles in our district. There are very few industrial sources that put that out. And one would have to control literally millions of motor vehicles in order to get any appreciable amount of carbon monoxide. So what the board recognized was that you breathe, you know you breathe in, you breathe out, and just so that your health and that air quality benefit resulted, one could interchange pollutants. So in the case I illustrated of carbon monoxide, it's hard to find by way of an offset. Those projects that are subject only to the Baker bill would get off with only a good-faith effort, but those

projects would now have to come up with offsets perhaps from a different pollutant that would still result in a net air quality benefit. The principle being that a reduction in pollution is a reduction of pollution as long as one recognizes some kind of a net air quality benefit as a result. We're working on ways to implement that particular thing.

CHAIRWOMAN TANNER: Mr. Eaves has a question.

ASSEMBLYMAN EAVES: How do you determine how much oxides it takes to offset carbon monoxide or whatever, how do you make that determination of how many tons and so on?

MR. WEISS: We have several possible paths under consideration and very briefly let me take you through the process.

The first requirement that we would see is that the good-faith effort required under state law must still be pursued. In other words, offsets to the extent they are available for all the pollutants must still be obtained. Now for what's left over beyond that we can see several possible routes. One is if the applicant comes in with a demonstrable chemical model that shows the interchange for example between sulfur dioxide and nitrogen dioxide through nitrates for example as a reasonable trade-off ratio. Another possibility is through medical evidence. In other words the difference in impacts on the human body between say nitrogen oxides and carbon monoxide. There are other kinds of models that are available, other kinds of criteria that one can use. At this particular moment we are not fastened to any one particular path. Most of the demonstration is going to have

to start with the applicant, with a validation by district personnel. As you have already learned, a multiplicity of times today, the air quality in the San Gabriel Valley and in the Inland Empire is certainly far from achieving the national and state air quality standards and our job, of course, is to work as hard as we possibly can to try to achieve those standards. We are very conscious of that fact, you are, and your constituents are, and we're doing our best to get there. We're also looking at the offset operation because we too are concerned that new facets are emerging that we never contemplated. We've probably had at least 100, what we call external offset processes have occurred in the last 10 years of the new source review process, and virtually every one of them were as a result of reductions upwind of the new source. Suddenly we find ourselves with a couple of projects coming at us where offsets are coming from all kinds of funny places where there is no direct relationship between the offset location and the new source, and we don't think that's a particularly desirable outcome any more probably than you do, so we do want to look at that.

Another very important consideration is the use of shut downs for offsetting purposes. There are arguments on both sides of that equation and without taking you through the entire range, let us say that we do want to examine the question very carefully. I've told you about the proposal that was put to the district board about changing the offsets ratio and how that's been put off for the indefinite future. We've also looked at the emissions that come from the projects and locations in the

district, in the San Gabriel Valley and in the Inland Empire, and we've shown you an emission inventory in Tables 2 and 3, and 4 and also shown you the emissions from individual projects in Table 6.

I think it's important that I say a few words about Tables 2, 3, and 4. Those are almost standard emission inventory tables. It shows the emissions for the district, for a particular contaminant, the air pollution in various categories from in the San Gabriel Valley and then the Inland Empire. Information like this is a dangerous thing however, because it tends to be misleading. What it tends to do is minimize what the real situation is. It's true that the emissions from waste-to-energy plants, for example, for nitrogen oxide, is ten tons per day in the San Gabriel Valley and the Inland Empire, that's on Table 2. And one could readily compare that to the thousand tons per day in the entire district and say, "See it doesn't make any difference." Similarly you could say the same thing about the San Gabriel Valley or the Inland Empire. That's misleading. And the reason why it's misleading is that while there won't be any direct impacts, perhaps as far as nitrogen oxide in the immediate vicinity, as I told you earlier, further downwind that contribution will indeed inevitably result in an increment of ozone. And you mix that with all the other small sources and we've got an air pollution problem. So when we see a major category like resource recovery coming along at us, and it's going to add ten tons as far as permits that are pending, plus probably another ten that we know about that haven't come to

us yet, we start ringing the alarm bells, start sweating bullets about the new pollution that we are going to have to cope with. Somebody has to pay the price as I said earlier. Either we get the emissions from some place else by controlling industry if that's possible, or by an increase in air pollution. We don't like that any more than you do.

We've also in Table 5 compared for you the emissions from landfilling a thousand tons of refuse and a thousand tons of refuse being burned in a resource recovery project. And I'd like to add again a cautionary note that the emissions from landfill represents a typical value if you like. You can certainly imagine that a landfill depending on how densely it's packed, what the humidity is like, what the barometric pressure is like, and a whole bunch of other things, that the emissions are just going to change all over the place. But nevertheless, it would give you some yardstick of comparison between the landfill and a resource recovery project. Each of those two techniques have advantages and disadvantages. A landfill produces one kind of air pollution, a resource recovery project produces a completely different spectrum of air pollution. Metallic materials such as metal cans in a landfill just sit there and rust, they don't cause air pollution. Those same cans put into a resource recovery project will vulcanize the metals to some extent and we get a different kind of air pollution going into the atmosphere. You burn at much higher temperatures in a resource recovery project. But you burn much more completely than you would in a landfill. The landfill gas recovery system that we use to try to

prevent the gases from escaping is not 100% effective, nothing is, and given the fact that people seem to somehow gather around landfills to live and sometimes even on top of them, I sometimes wonder whether landfilling is indeed an appropriate technique. I guess the way I would put it is that, depending on the circumstance, perhaps landfilling is the correct thing to do. Perhaps in another circumstance resource recovery is.

Finally I guess I would say that the district, and I'm not beating the drum for this particular thing, but the district does not site a project, that is not our particular thing. Somebody says I want to put a project there, here are the plans, specifications, whatever, we do a technical evaluation. We don't say, "No, it isn't any good there, move it over there." That isn't our job.

CHAIRWOMAN TANNER: But you do permitting.

MR. WEISS: We do permitting. You bet.

And, by the way, the buck stops here.

CHAIRWOMAN TANNER: In the meantime, I want to compliment you on the work you've done for this committee for this hearing today. This is, I'm sure you put a lot of time into this, and I appreciate it. I'm certain that Mr. Lee knows.

MR. WEISS: Thank you. And I do want to, of course, pass it on to my staff.

CHAIRWOMAN TANNER: Very, very good. I'm happy to have this. Question? Mr. Eaves.

ASSEMBLYMAN EAVES: We talked earlier about offsets and the amount that were banked and brokered and the dollar value.

Could you give us kind of an overview of what is in the bank and how soon it has to be used and what the prices of those things are?

MR. WEISS: Most of the offsetting that occurs occurs two ways. And excuse me for being a little long-winded, but I'm going to be as responsive as I can.

One way is where people have an existing plant and they want to build a new project on that same location, in which case they make a decrease to their own equipment for the sake of an increase on their own land, and we evaluate the A's and the A's of both of those things and go from there. The second type of offsetting process is what we call an external offset, where somebody, like a resource recovery proponent wants to put in a new plant and they need offsets. What they have to do is go out there in the big world and somehow find some compensating reduction because they may not own anything here in the South Coast District to work on.

What we do is we give them a list of the people that put out fair amounts of air pollution in our district, we call it anything from 6 tons per year on up, which are pretty small sources. We give them a list of the people who have banked emission credits with us, also, and say, "Go talk to both of those sets of people." Emissions are bought on a market basis, what people are willing to pay for it. The range for nitrogen oxides, as a comparison for you, perhaps, is somewhere around about \$4,000 per ton to \$9,000 per ton calculated over a full year. Now you take \$9,000 per ton, you take the high value,

multiply that by 365 days a year for one ton of offsets, and you can see that you get up to a few million dollars pretty fast.

CHAIRWOMAN TANNER: Probably costs more than the property.

MR. WEISS: That's right. But if somebody wants to put in a \$500 million project, like a resource recovery project, you know, they're willing to pay the price. These things have some of the aspects of real property in the way they're handled but, legally, of course, they're not real property. But nevertheless, it's whatever the traffic will bear, and if somewhere along the line, the price goes up to \$20,000 a ton, I guess that's up to the people who are involved in the deal.

ASSEMBLYMAN EAVES: Let me ask you a question. Some time back there was a project, I think it's been revitalized now, about the large diameter pipeline that would go from Long Beach to Midland, Texas, and it was originally the Sohio Project and it has another name now, if my memory serves me correctly. Your district said at that time that if the Sohio would go in to the refineries in the Long Beach-Wilmington area and do a certain amount of pollution work on the existing refineries and they could offset what pollution they would have by dumping the oil. That's another method, where they would actually go into somebody's business and retrofit their business?

MR. WEISS: Thank you for mentioning that, because, you know, we've all focused in on the shutdowns and have not talked about the other alternative.

When the offset process was set up it was originally contemplated that one of two things would happen: either existing sources would be controlled further by the proponent going into somebody's plant and saying, "Would you let me put in an afterburner to burn up your solvent pollution?" Or, the project proponent going to somebody and saying, "Hey, I know that you're on the verge of going bankrupt. Would you let me buy your business and shut you down for whatever he was going to pay." That was the standard process and that's what everyone contemplated. Instead, what seems to have happened is that everybody's focused on the shutdown part because it's so much easier, and very few people have carried out the other part. In fact, of the hundred or so that I mentioned earlier, I think I can recall only perhaps a half dozen that have ever gone through the other path.

ASSEMBLYMAN EAVES: Well, let me ask you about..., I know there are some people in the audience that are concerned about the tire burning plant that was proposed in San Bernardino County. What would be their chances of offsetting that full 631 tons, or whatever it is? Is it available? Can they buy those offsets?

MR. WEISS: The entire offset purchase operation is a very difficult and arduous one. The reason why they're fighting so hard on that project is not because they don't want to buy the offsets, it's because they're under the Baker Bill. It's the way they were evaluated, and if our denial of that permit is upheld, then they're going to have to start all over again, go through the full offset process, and possibly not be able to find them.

ASSEMBLYMAN EAVES: But at this time that's still under the Baker Bill process, right?

MR. WEISS: Well, it was under the Baker Bill process. We denied a permit to construct based on the excessive health risk. And it is being appealed to our district hearing board, which is a separate quasi-judicial body set up by state law to review district actions. That process is still going on and I don't know what the outcome is going to be.

CHAIRWOMAN TANNER: Mr. Hill?

ASSEMBLYMAN HILL: It seems to me that if you built a..., if you look at this in terms of a whole basin-wide perspective, if you're talking about building a waste-to-energy plant in Irwindale, you could go further downwind, let's say, to Pomona, purchase your offsets, and then, in terms of the overall basin, you've improved the air pollution and further downwind towards Mr. Eaves territory, you've improved the pollution. I mean, that's what the whole argument is.

Has there been any thought about reversing that and requiring those offsets to be purchased upwind?

MR. WEISS: Yes. One of the..., we're examining this entire offset operation and one of the things that we indeed have in mind is to specify an upwind-downwind relationship. Excuse me, as I said earlier, we have gone through perhaps a hundred of these offset processes and virtually every one of them until the last few months, indeed, have been in that relationship, just by the nature of the beast. And all of a sudden, we find a couple of projects coming along that have all kinds of scattered offset

requirements that are just contrary to what we like to see. So the answer to your question is yes, indeed.

ASSEMBLYMAN EAVES: It just seems to me that you make the argument that we're going to improve the pollution in the whole basin. Well for the folks in the San Gabriel Valley, it's very feasible that they could end up with much worse air pollution themselves. I mean, the overall basin is helped, but if you require that further downwind in Long Beach or Compton, or something, then you could make a plausible argument that the air pollution in the San Gabriel Valley would be improved.

MR. WEISS: You're absolutely correct. You see, one of the things that has been driving us has been the fact that the EPA, the federal EPA, looks at us, the South Coast District, as just one big box. And that, you know, you make a change in one corner, and make an increase in another corner and that's just perfectly fine. I don't know if that's particularly appropriate. We look at the wind flow patterns and certainly realize that there are distinctions between how things move around through air. But nevertheless, that's what's been driving us down a particular road.

CHAIRWOMAN TANNER: Well, that was very informative. Thank you very much.

MR. WEISS: You're welcome. Thank you.

CHAIRWOMAN TANNER: All right. Our final, scheduled witness is Susan Durbin, Deputy Attorney General. And Miss Durbin will be discussing the opinion regarding the Baker and Rosenthal Bills. Will you be discussing that at all?

MS. SUSAN L. DURBIN: Lawyers always discuss opinions, their own and everyone else's.

CHAIRWOMAN TANNER: All right.

MS. DURBIN: Good afternoon Ms. Tanner and members of the committee. My name is Susan Durbin. I'm a Deputy Attorney General. I'm here representing Attorney General John K. Van De Kamp. I'm here to answer any questions you may have and present some information on our Attorney General opinion dealing with the air quality requirements for resource recovery projects. Since I will be dealing with legal issues, I will try to keep my testimony as brief as it is dry.

I'd also like to specify that we are expressing no opinion on any specific waste-to-energy project that's currently under consideration. We have clients who are involved with some of those projects, and they will have their own positions.

The Attorney General opinion that we did is Opinion Number 84-1101, dated October 24, 1985, and it's found at 68: Opinions of the Attorney General, page 295.

As a bit of background, the Attorney General's Office issues opinions in response to requests from public officials, whether state or local. Usually we're asked for such an opinion when there is an absence of court decisions making clear what a particular statute or set of statutes means. Someone wants to have some idea of how to act under the law and what the law's actually going to mean when the courts do interpret it, so they ask us. We do extensive legal research and issue what is essentially an advisory opinion. We give them our advice on what

we think the law will eventually be held to be by the courts. Now, the courts in the past have given great weight to those opinions by the Attorney General because they are usually very, very thoroughly researched. And in this case, the opinion was researched over a period of several months; many, many people's opinions went into it, and it is extremely thorough.

In this particular case, the then-chairman of the Air Resources Board, Gordon Duffy, asked a particular question of us, that under the Baker Bill, you've heard reference to today, what were the responsibilities of a local district? If a resource recovery project or a cogeneration project had made the full good-faith effort referred to in the Baker Bill to obtain offsets but had not been successful, had not obtained full offsets for the project, was the local district nevertheless required to issue a permit to construct for that project?

Now our opinion is framed in terms of answering that specific question that was asked, even though its reasoning is broader than that. And the answer to the question was "no, the district was not obliged to give that permit."

The background to that opinion looked at both the federal and the state air quality laws. And I hope you'll forgive me if I'm going over material you've already heard several times today. The background is the Clean Air Act, which is a federal act, and under the Supremacy Clause of the Constitution is overriding of state law and binding upon the state no matter whether the state likes it or not.

The Clean Air Act directed EPA to set up ambient air quality standards that are based on public health concerns for several different pollutants. There are six criteria pollutants now. And then it ordered the states to develop state implementation plans to meet and maintain those standards.

It quickly became apparent that some areas like Los Angeles, were so polluted that they could not possibly meet the standards by the time limit that was in the Clean Air Act. Congress, in 1977, added Part D, dealing with nonattainment areas, to the Clean Air Act. Now, that set up a special designation for extra polluted areas like this one. It set up a special time frame for them to meet the standards and special requirements for them to adhere to while they tried to meet those standards.

In this area, which is a nonattainment area, we have until December 31, 1987, to meet the standards. But in return for extending that deadline, the Clean Air Act set several requirements. Essentially, as Ms. Witherspoon explained earlier, those requirements were an accommodation to allow for some economic growth in polluted areas without overly damaging air quality.

Part D sets up requirements for any new source that wants to locate in a nonattainment area. First the source has to meet the lowest achievable emission rate, the LAER, which means using the very best pollution control equipment that can be devised for that source. They also have to provide full offsets, meaning for every new ton they add to the Basin, they have to

take a ton of that pollutant out of the Basin, a one-for-one at least basis. The EPA regulations set up a lot of parameters for how you calculate how much ton-for-ton pollution you have to reduce, where it has to be, when it has to be in time, and so forth. Ms. Witherspoon went through some of those requirements.

Against that background, the California Health and Safety Code in several places directs local districts and the state board to try to attain the federal air quality standards as well as the state air quality standards, and makes it very clear that federal standards are a goal of the state just as much as state air quality standards are. In particular, Health and Safety Code 42301(a) specifically forbids a permit to construct from being issued to any source that would interfere with the attainment or maintenance of any applicable air quality standards, which we read to include the federal standards.

Our opinion looked at the Baker Bill in light of that background, that the federal Clear Air Act was binding on the states, and that the state had made it a priority to meet those federal standards. The Baker Bill and its environs are made up of two separate sections that it added to the Health and Safety Code, one is Section 42314. Somewhat simplistically stated, that section says that if a new source has made a good faith effort to obtain offsets and it has obtained all the offsets that it can, then whether it obtains full offsets or not, the district must issue a permit for that source. Section 41604, simplistically summarized, says the district has to make up the difference.

The essence of our opinion is, reading those two sections together to say that there is no forgiveness, as Mr. Weiss put it, of offsets, that full offsets have to be obtained for every one of these projects including the resource recovery projects, the only difference is who provides the offsets. The applicant must make every effort that it can to get the offsets, but if it fails, the district must make up the difference. There is no forgiveness of offsets.

I might add that the Air Resources Board, in an August 5, 1986, letter to the districts, supported that position and accepts it as an accurate statement of the law.

CHAIRWOMAN TANNER: The district must make up the difference? What if the district can't make up the difference?

MS. DURBIN: Our opinion says that if it's literally impossible, physically impossible to obtain any offsets, then no permit may be issued, period. If offsets can be attained, then either the district or the source has to make them up.

The other requirement that now applies to resource recovery projects was described by Mr. Weiss. It is the amendments to Rule 1301 which provide that every new source now has to show a net air quality benefit, whatever that may turn out to be, as the district interprets it. We have not been able to determine how the district will interpret it and so have no opinion on that.

I've tried to make that very brief. I have copies of the opinion and I'd like to answer any questions you may have.

CHAIRWOMAN TANNER: Well, I'd like a copy of the opinion, if you have it.

MS. DURBIN: We've got plenty.

CHAIRWOMAN TANNER: Yes. And I have no further questions. It's a very difficult problem, I know, and it's... Apparently there are some serious questions that some of you...

MS. DURBIN: Yes, and eventually the courts are going to resolve this one way or the other.

CHAIRWOMAN TANNER: Thank you very much.

I would like to mention that there is going to be a hearing of the Senate Subcommittee Number Two on the Budget and Fiscal Review for, that's Senator Presley's subcommittee, and he's going to have a hearing on the air quality and oversight on the South Coast Air Quality Management District. And that is October 22, and it will be held at the Ontario City Council Chambers, so I intend to attend that meeting. I think it will be a very interesting meeting.

Now, this part of the testimony will be the public's comments and I might mention that the committee consultant, Dorothy Rice, and the committee secretary, Wini Schneider, will be leaving shortly because they have to catch their plane and then I will have a staff member sit up here to take notes, but any testimony that's given and the public comment time will, of course, be recorded.

Our first witness will be Don Easton. I guess Don Easton and Mary Burns would like to come up together. Are they here?

MS. MARY BURNS: My name is Mary Burns and I live in Riverside County area and Don Easton lives in the San Bernardino area.

CHAIRWOMAN TANNER: That's the Inland Empire that we've been referring to?

MR. DON EASTON: Correct and also, again, my name is Don Easton, I'm a captain for San Mateo County Fire Agency, which is a division, my division, is Central Valley. I'm here as an individual at this time, however, the feelings are reflected in the comments that I make throughout our entire department. However, the department is not here officially at this time.

Also, I have some handouts by the ARB that I'd like to give you. A lot of presentations that were made by other people pretty much summed up what was in ARB, so for time's sake, I'm sure we all want to get home and get to our families,...

CHAIRWOMAN TANNER: Yes, I'm going to ask that everyone keep their comments as short as possible.

MR. EASTON: Okay. To make it real short and sweet, basically there are 23 waste-to-energy plants either proposed or on paper, in operation, or in the permit process for this air basin. Each plant has been figured on an individual basis for the pollution content, not on a cumulative basis. We feel that this is deadly wrong. This is something that needs to be looked at drastically.

Some plants have only been required to show a good-faith effort in obtaining pollution offsets. One hundred percent of the offsets of pollution should be required for all businesses that pollute.

Another question that was brought up is there's a lot of concern in the Basin pertaining to cities that allow polluting businesses to come in. Would it be possible to have a law enacted that may hold the cities civilly liable for any problems that a business they allow to come in, both civilly liable to people and to property, can the cities be held liable for any of their actions by allowing these businesses to come in?

CHAIRWOMAN TANNER: In many cases, there are other permitting agencies aside from cities, so you know, it would be very difficult to make the cities...

MR. EASTON: I'm sorry, I can barely hear you.

CHAIRWOMAN TANNER: Yes, I say there are permitting agencies other than local government involved in permitting facilities or businesses or industries to come in, so I don't know...

MR. EASTON: Our reasoning for that statement would make it feel like local control would be held more responsible for their action, keeping it at the home base rather than requiring some agency out of the area to be ultimately responsible. Bring back some local control, in other words.

CHAIRWOMAN TANNER: In some cases, it's difficult to have local control when there's a broad picture that really affects the entire state or a large area, for instance, this Air Basin that we're talking about. Which city would be involved and which city could be held responsible? In many cases, for instance, Puente Hills is in the county in the unincorporated area. It makes it difficult.

MR. EASTON: I understand. I also live in a unincorporated area.

Real quick here, we also had, we were taking the months of June, July, and August, this is from AQMD, 1984 we had eight days that were clean air. Six in June, one in July, and one in August. 1985, we had five days, only in June, none in July, none in August. 1986, we had seven days, one in June, five in July, and one in August. How can we possibly say that our air is getting better?

CHAIRWOMAN TANNER: We can't.

MR. EASTON: Okay. Here's another one that really alarmed us. It was mentioned about this problem we're having, the tire burning facility in Rialto, the Rialto (inaudible). They were using the figure, AQMD was, as a lesson, one in a million for cancer risk. We inadvertently discovered that we have one that was granted and approved by AQMD in the city of Carson that has 911 in a million cancer risk. How in the world did that happen? Is it going to happen again? Are we going to stand by this "less than one in a million" or is that too high? Again, this is a concern we have. Where is the line going to be drawn and when? Realize, we're the people that are sitting to the East of all these facilities. We can no longer put this in the air and allow it to go to our neighbors to the east. Realize, Palm Springs is already starting to wake up to what's going on, just in our little basin, the Inland Empire. The high deserts and low deserts both. They are not exactly pleased with what they're finding.

CHAIRWOMAN TANNER: And everything that is built here in the Valley, eventually you suffer the consequences and that will continue to move east.

Thank you very much, Mr. Easton.

MS. BURNS: In Riverside...

CHAIRWOMAN TANNER: Would you identify yourself?

MS. BURNS: Mary Burns. The (inaudible) had proposed to (inaudible) store the tires for the tire burning facility. An EIR was demanded and the request was removed. One of the things I'm really concerned about is when this proposal was made in our area, people started storing tires in small quantities. East of my house, pardon me, west of my house, there is an enormous stack of tires. The fire code just is not adequate. I would like to see a study done about tires. Not a study by one department, a study by people who are experts in various fields who can look at this and find an answer. We need to do something with tires. They're causing very serious pollution and the answers with this burning facility, that isn't it.

CHAIRWOMAN TANNER: And they're really stockpiling, aren't they?

MS. BURNS: Yes, when there is a use for them as an end result, they're a commodity. And when the permit gets denied, they're waste and they're not insurable. And some of the fires that I have found out about, they're all where there was a facility for waste-to-energy regarding tires. In Modesto, my God, there's 40 million tires in one stack and not even a containment basin underneath for the oil. It is three miles from

the California Aqueduct. I really would like to see a study done on tires, an independent study that really takes a good look. Our waste management, even the City of Irwindale has a stockpile of 15 million tires. It isn't there. Their landfills are buried in construction rubble. There's no 15 million tires in there. And it's a state waste management problem. I don't understand why, in fact, there're such discrepancies. I want an independent study where people of all fields get a chance to participate.

CHAIRWOMAN TANNER: I think that's a very good idea. Just driving through the state, you see huge stacks of tires.

MS. BURNS: It's overwhelming when you see it. And tires are being imported into the United States, and that's not in our waste management agenda either. There's a mosquito problem, tires hold water, as much as a gallon. The tires are..., old used tires are being imported into these United States for recapping. They are, in fact, importing a mosquito.

CHAIRWOMAN TANNER: It's a menace.

MS. BURNS: Yeah. And I really do want to see some serious effort by our elected officials to create a study that's really the bottom line.

CHAIRWOMAN TANNER: All right. We will take that suggestion very seriously. Thank you.

MS. BURNS: Thank you.

CHAIRWOMAN TANNER: Mr. Art Morales.

MR. ART MORALES: Good afternoon, Lady Chairman and members. My name is Art Morales, from the City of Azusa, and I'd first like to say that I'm very glad that Mr. Moses got over here

today and spoke to you. I would just like to be very brief. I'd like for you to take something back with you and that is "geographic boundaries." It was brought up here today, and I feel that we in the San Gabriel Valley, are entitled to say something. If we have these garbage dumps here, whatever, that we should be the ones to say whose garbage we're going to allow to come in here, and not be having garbage brought in from all over the Los Angeles County or from other counties or whatever. I think it's up to the people of the San Gabriel Valley and through its representatives to say we are going to establish a geographic boundary and no garbage is going to come into our area unless this, this, and that happens. Now, with the Pacific Waste Plant that is trying to set itself right there in Irwindale, I don't see why, I should say, it would be good if a geographic boundary was there and also the thing about commitments. Commitments from Pasadena, Saugus, Redlands, according to them, now fell through. They have commitments for offsets, whatever, in credits and everything else. Why should we be allowing them from out of the area, out of the San Gabriel Valley, to go ahead and get credits for offsets from other parts of the Southern California? I mean, they could go anywhere and get these offsets and credits. I don't think that's fair. I think it's the people of the San Gabriel Valley through its representatives that will be able to say, "Look, this is where we're going to draw the line, this is the geographic boundary, and that's all there is to it, plain and simple." We have you there, we need you there, we want you to stay there.

CHAIRWOMAN TANNER: And we really intend to do something, and I feel that the Air Resources Board and the South Coast Air Quality Management District will work with us and I hope that we can put together some...

MR. MORALES: I feel very good today from what I see here. This is the first time I've seen a group of representatives get together like this and be supportive of us small people in the community that take our time out to come here and I hope that you've heard us.

CHAIRWOMAN TANNER: We've heard you.

MR. MORALES: Not just all the lawyers, okay? Like in Sacramento. Thank you very much.

CHAIRWOMAN TANNER: Actually you know it's interesting, I don't think one of us, not one of us sitting up here is a lawyer.

Thank you Mr. Morales.

Our next witness will be Marlene Fox who is an attorney representing the City of Duarte, and R.R. & C. Development Company.

MS. MARLENE FOX: That's bad timing Madam Chairwoman. I am a lawyer.

CHAIRWOMAN TANNER: That's all right. Some of my best friends are lawyers.

MS. FOX: Madam Chairwoman and members of the committee, my name is Marlene Fox, my business address is 3919 Westerly Place, in Newport Beach. And as the chairwoman stated, I do represent the City of Duarte, and I also represent R.R. & C.

Development Company. I think that for your benefit I should make you aware from the outset what our interest is in all of this. Neither of my clients, that is neither the City nor R.R. & C., has taken an entrenched position against refuse-to-energy. The position we have taken is that the proposals that are made and the timing involved are unreasonable, that there is too much for the San Gabriel Valley, that we need actual test data and not just computer modeling, and that they should start with something small to begin with. Let it run for a while and then test it and see where we are and maybe we can proceed from there but as it stands right now, they want to do too much too soon in our opinion.

I wanted to come here today because as a lawyer, and I might tell you by way of background that I've been practicing land use and environmental law for more than 13 years. I have been designated by the courts of California with regards to awards of attorney fees as an expert based on the amount of experience I've had and the cases I've handled. In that regard, I can tell you that when I first took a look at the proposed Puente Hills project it was really quite a challenge to try to figure out what the actual regulatory process is and I talk now if they do not go through the CEC process. If Puente Hills, if the sanitation district does not have to go through the California Energy Commission process, because they qualify as a facility of less than 50 megawatts, they almost can write their own ticket and by that I mean they have a number of things that they have to do, but there is no order or sequence in which they

have to do them, so they can sort of pick and choose. And I can give you an example. For instance, you have heard from Mr. Weiss today that they have filed two applications with the South Coast Air Quality Management District. Those applications are designated, I don't have the actual numbers I don't have my copies with me, but one says "East site" and one says "West site."

It is my understanding that there has been an attempt today to persuade you that they have done this because they don't know which one they want. Well, in fact, and Mr. Weiss says the district has not answered South Coast Air Quality, that fact notwithstanding the applications themselves have start-up dates. If you read the applications, what you see is that they are sequential, they are phases of a single project and there is no question but that it is not an either/or situation, it's definitely both. As more evidence of that fact, the Los Angeles County Sanitation Districts did enter into power sale agreements with Southern California Edison. Now, how do we know that? Well, Charles Carry signed a 100 page agreement for the East site, for the sale of the power to be generated by the facility on the East site and Charles W. Carry, the General Manager and Chief Engineer, signed a power sale agreement with Edison for the West site, and those two agreements, each one a hundred pages in length, both talk about a guarantee of electrical energy to be generated by these two facilities and both lay out the start up time for when the construction of the facility and when they actually plan to be under operation.

CHAIRWOMAN TANNER: And both were under 50 megawatts, right?

MS. FOX: Well, not exactly. They are 50 megawatts gross but the smoke screen is that they are 47 megawatts net. They have a generating capacity of 50 megawatts each, which is what the Warren-Alquist Act addresses itself to, 50 megawatts and over. But their argument is, well, they have a generating capacity of 50 megawatts, but we need 3 megawatts for our own electrical ability there at the facility and therefore we really only have a net generating capacity of 47 megawatts a piece. There was, as you know by the Hacienda Heights Improvement Association, and I know that you had a presentation earlier and I won't repeat anything that was talked about by Mr. Shean, but as you know, there was a complaint filed with the CEC and you asked for an update on that. I don't know if you have in your record that the very same day that the County Sanitation Districts appeared in Sacramento on April 16, 1986, first to answer the initial letter written by Hacienda Heights, that on that exact same day at the exact same time they had representatives testifying before the Public Utilities Commission in San Francisco, California, urging the Public Utilities Commission on an expert basis to approve these two power sale agreements that had been executed with Edison for Puente Hills, there were power sale agreements at the same time for Spadra and also for, I believe, there was a Palos Verdes gas-to-energy - gas-to-electricity. But at any rate the very same day they stood before the Energy Commission and said, "Mr. Chairman and Members

of the Commission, we don't have any idea what this complaint is about, we don't know why we're here, our Board of Directors has not yet approved a single project for Puente Hills." That very same day they were before the PUC, and then there was a series of events that continued at the PUC. Fortunately, the staff at the PUC opposed this expert request and the PUC did not approve the power sale agreements at that time. They were then forced to file a regular application, go through the hearing process, and I may be getting ahead of myself, but on behalf of Duarte and R.R. & C. we intervened in the Energy Commission investigation. We also filed an application and were granted leave to intervene at the PUC.

CHAIRWOMAN TANNER: What you are actually saying is that somehow, Mr. Carry was incorrect when he stated that they didn't know whether there was going to be one or two facilities or any facilities as a matter of fact, but there are definitely plans for two facilities.

MS. FOX: The only thing, Madam Chairwoman, that I will concur with Mr. Carry on, is that the Board of Directors of the Los Angeles County Sanitation District has yet to adopt a formal application. They are nevertheless signing agreements, spending taxpayer dollars, submitting applications to South Coast Air Quality Management District, and as a taxpayer and counsel for the City of Duarte I would like to know, and I believe the citizens are entitled to a response, why the South Coast Air Quality Management District would even accept an application from another public entity if, in fact, the public entity has yet to

decide if they are going to have a project? I mean how can the South Coast Air Quality Management District process an application for a hypothetical project? Now I am aware, and I know that Mr. Weiss will respond with "No, we've sent them a letter and they need to tell us what we're going to do." However, the South Coast Air Quality Management District has given them a formal letter stating that their applications are complete, and I repeat my question, how can you have a completed application before the South Coast Air Quality Management District for one or any number of refuse-to-energy projects if in fact it is a hypothetical situation and not a real situation?

CHAIRWOMAN TANNER: How can you? That's a reasonable question.

MR. WEISS: Well, first I think I need to say we get this sort of thing all the time. Forgetting about resource recovery projects, we have companies that have some plan or idea and before they move it forward to any complete degree they would like to find out what our evaluation of the project is. So they submit an application, they spent some money in terms of engineering, drawings and information, data, and they say, "Give us a permit", and we do it. And then sometime later after we issue the permit to construct we find out that they are not a bit interested in the project and we end up cancelling it. We probably have 5% of our projects cancelled.

ASSEMBLYMAN EAVES: But this is a specific interest of a resource recovery application to circumvent a change in the law, I mean how can it be anything else?

MR. WEISS: I'm not of course here to judge, or whatever, what the sanitation district does, but Mr. Carry did say that they filed those applications to keep their options open, and you know that's up to him I guess.

CHAIRWOMAN TANNER: But that does happen occasionally?

MR. WEISS: Yes 'm'am.

MS. FOX: Madam Chairwoman, as an attorney, as I stated earlier, as a recognized expert in the environmental field, I would submit to this committee that the law in California is rather clear that you do not accept an application for any sort of a construction project, whether it's waste-to-energy or a subdivision, until CEQA has been complied with and in this case there are no CEQA documents because they have a draft EIR, they have no certified document, they have no certified negative declaration and they have no decision from their Board of Directors. But, I think it's really pretty clear that no matter what game you play here, you can say they haven't taken a vote and they just want an answer, "do we think it's feasible?" I'd like to know how many taxpayer dollars are being spent by the South Coast Air Quality Management District to do all these feasibility studies for these projects that never go forward, and is it their policy to do this?

CHAIRWOMAN TANNER: I think perhaps at the hearing that Senator Presley has on the 22nd, I'll ask just that question.

MS. FOX: I think it's a very good question Madam Chairwoman. We've had an opportunity, unfortunately we haven't had full disclosure on documents from L.A. County Sanitation

Districts. However, we have gone through some of their minutes and I understand they take the position that they're not convinced yet that there will be a project at Puente Hills, and this is what they keep telling the hearing officer at the CEC. However, I would invite the attention of this committee to the fact that we have minutes dated the 26th of December, 1984. They are minutes of the regular meeting of the Board of Directors of the County Sanitation District No. 2, held at the office of the district and these minutes specifically refer to the Puente Hills refuse-to-energy project and to bonding activity. Now, Madam Chairwoman, I will tell you while I hold myself out as an expert with environmental law I am not a bonding expert, so I can only go by the document that is in front of me. But at any rate, there is a resolution of the Board of Directors where it talks about the Tax Reform Act of 1984 and the fact that the Governor of the State of California has by proclamation set forth a system for the allocation of private activity bond limits among the state and its local agencies, and has provided for an allocation to the County of Los Angeles.

And then it says County Sanitation District No. 2 proposed to issue tax exempt industrial development bonds requiring an allocation to provide for the construction of certain refuse-to-energy/solid waste disposal facilities to be located in L.A. And then it goes down and it says, "The County of L.A. desires to transfer to the district up to \$100,223,000 of its 1984 allocation in furtherance of the projects which shall be the district's unused 1984 private bond limit." And the

resolution goes on and under Section 1 it says, "Now, therefore, it is resolved and ordered as follows pursuant to Section 103N of the Internal Revenue Code enacted by the Act, the district hereby elects to carry forward \$100,223,000 of its unused 1984 private activity bond limit for the following projects." And the first project listed is the Puente Hills Refuse to Energy Project, \$50,223,000. I have another resolution for the year 1985 where there is another \$20 million dollars so that's in excess of \$70 million dollars of bonding capacity where they refer to their...

CHAIRWOMAN TANNER: Just to keep an option open.

MS. FOX: Just to keep an option open, and if you buy that, I have a bridge I'd like to sell you.

I'll try to wind up here. I'm really derelict in my duties, Madam Chairwoman. I did want to say at the outset that I have very carefully followed your activities in Sacramento and, with our clipping service, we are keeping track of all of your efforts and I know from the people that I've been dealing with for the last eleven months here in the San Gabriel Valley -- because I'm here quite a bit now. In fact, I'm here most of the time -- the people are truly appreciative of your efforts. You make the difference, and if this remains a really good place to live, a lot of it is going to be due entirely to your efforts. So on behalf of all those people and the people of the City of Duarte and my client we thank you.

CHAIRWOMAN TANNER: Thank you.

MS. FOX: I think that where you have an agency like this taking this kind of position that has also published

documents, that they are obligated to publish. For instance, their use permit from the County of L.A. says that they have to do a biannual report and give a status on what's going on at the Puente Hills landfill. When they submitted their report in the fall of 1985 to the County of L.A., they refer to the Puente Hills Refuse-to-Energy Project and they stated in that report that they had spent in excess of \$300,000 dollars in terms of implementation of the project for different reports. Where we are talking about this degree of taxpayer money, where we're talking about the involvement of other agencies and agency staff time, such as the Public Utilities Commission, such as the South Coast Air Quality Management District, such as the California Energy Commission, I think the people have a right to know what kind of money are we talking about and why can we waste these types of dollars and all of these man hours and these resources on these so called hypothetical situations and hypothetical projects "to keep our options open." I hope that this will be pursued, and not just with the South Coast Air Quality Management District at the Presley hearing. But I hope it will go even further than that. But I think the real key here is that if you look at a document, it's put out by the California Waste Management Board. It is their June 1985 Comprehensive Plan for Solid Waste Management. It's a very pretty, glossy document. That document goes into great detail on the problems with the regulation of solid waste facilities in the State of California. They talk about the multi-agency approach that has been historical here in California, and the fact that it is not a true

system, that it gives rise to conflicts, overlapping jurisdiction, and large gaps in who is regulating what. And I think that the Warren-Alquist Act which says 50 megawatts and up for refuse-to-energy should be before the CEC, I think that some consideration should be given to putting all waste-to-energy projects before the CEC. Why do I say that? Because you have a central agency, they are a repository for scientific data on this type of thing, on the generation of power, on thermal power plants. They have the staff, they have the personnel, they have the expertise. Then the citizens can go to one place and follow exactly what's going on instead of running around and saying, do I go to the South Coast Air Quality Management District today, do I go to the County of L.A., do I go to the Waste Management Board, which permit are they going to pull today without giving any notice or having any hearing? Believe me, when the people wake up and find out what's going on. I wish you would carry a message to your fellow legislators that are not supporting your position. I think you will see a revolt that will be more astounding than the revolt that happened with Proposition 13, because California taxpayers may be a little bit asleep with refuse-to-energy, but if these plants are built and they wake up, I guarantee that the legislators who vote for them are not going to be around very long. I would be happy to provide any information that I have regarding all of our investigations and copies of these minutes.

CHAIRWOMAN TANNER: We would appreciate that.

MS. FOX: One other thing I'd like to say. There's a little bit of a problem with the Sanitation Districts acting as the lead agency for their own projects. The problem is not the chief engineer, general manager Mr. Carry, the problem is they are governed by a Board of Directors. When they need certain things for Puente Hills, they need certain permits from the County. One of the supervisors that sits on the County Board of Supervisors also sits on the Board of Directors for the Sanitation District. It is this same supervisor who for instance, according to the newspapers and according to the rumors, is giving Southern California Edison some trouble on a lot of their permits before the County because they do not want to buy the power, they have not, and I should clear that up, signed those power sale agreements. That's why the Sanitation Districts went to the PUC, to try to get them to also force Edison to sign those agreements. At any rate, Edison has not signed, so because they have not signed, everything they have pending, every repair project, construction project, that's pending before the County of Los Angeles, they're having a lot of trouble with it because the idea is you sign those power sale agreements and you'll get some of your other permits approved. So we've got a little incestuousness going on there, where we have a director on the Sanitation District's Board and then he sits on the Board for the County and the Sanitation Districts have to make certain applications before the County. We know when they dealt with, there is litigation pending over the County's solid waste management plan, and one of the reasons that

litigation is pending is because they adopted their plan without any Environmental Impact Report, contrary to law, and also because they didn't provide notice to the public to give them the opportunity to come to the hearing. They put it on the Consent Agenda in November and there was no discussion, they simply adopted it and it's this plan that talks about siting these different refuse-to-energy plants in the San Gabriel Valley.

Now, we have some idea of the attitude of the L.A. County Board of Supervisors when it comes to refuse-to-energy, and also when it comes to whether or not they should be concerned with the California Environmental Quality Act or whether they should simply treat it as a mere statutory nuisance, and I have here, you might find it very illuminating, a letter dated the 5th of April from Supervisor Pete Schabarum addressed to Mr. James Hanklo, the Chief Administrative Officer, Director of Personnel for the County of L.A. And there is a letter from the supervisor to the CAO and then there's a memo back to the supervisor, and then another memo from the supervisor to the CAO, and then a final memo from the CAO to the supervisor. Basically what they say is, "Why do we have to, the supervisor wants to know, why do we have to recirculate the Puente Hills refuse-to-energy EIR and he talks about the "mental midgets in Sacramento" amending ...

CHAIRWOMAN TANNER: He surely doesn't mean the legislators.

MS. FOX: Well, actually he says "the legislative mental midgets", as a matter of fact. But at any rate I think this gives you some idea if you would put this into your record and

take a look at this when you have a chance. It also talks about their plans for ultimately expanding the capacity of Puente Hills.

CHAIRWOMAN TANNER: How do we create a county? A new county, let's think about that.

MS. FOX: I might even give you some pro bono time on that one if you're talking about L.A. But at any rate Madam Chairwoman not to use up more of your time, I have only 5 sets of those letters with me.

CHAIRWOMAN TANNER: We could make copies.

MS. FOX: May I introduce those into the record and will you make that part of your official report?

CHAIRWOMAN TANNER: Please do and thank you very much.

All right we have Mark Dingman representing Real Earth.

MR. MARK DINGMAN: Chairwoman Tanner, my name is Mark Dingman, members of the committee, I'm Vice-President of Real Earth of Southern California Inc.

CHAIRWOMAN TANNER: What is Real Earth?

MR. DINGMAN: Real Earth is a composting firm. We are a licensee for a composting technology in the Southern California area. Our work has been directed toward trying to gain acceptance of the composting alternative to waste disposal in the Southern California area. Specifically, in the city and surrounding area of Azusa, we've gained their support and the support of the City Council there. We've also been working in the Lakewood-Long Beach area, as well as in San Diego and in Ventura County. What we are finding, especially in Los Angeles

County, and I'll direct most of my comments to Los Angeles County, is that the cities in and around this area look to the County Sanitation Board to direct them as to which direction to go toward with their waste disposal efforts.

Specifically, the L.A. County Solid Waste Plan directs somewhat their activities as to solid waste disposal. As you know, we are facing a serious crisis in the disposal of waste materials in the county. I think that's fairly evident from what's come out in the hearing, and previous hearings that we've attended.

Ultimately we believe that the solution will be a combination of technologies. It may be landfilling, incineration, composting and pyrolysis, or whatever technologies come out of the woodwork and actually become feasible in the future. All of these would be located where they're best suited to be located. The San Gabriel Valley, it's evident, really does not suit itself to incineration until appropriate pollution control technologies can come out. Communities which suffer from air pollution problems should utilize non polluting techniques such as composting.

The following I think are facts. Scholl Canyon, in the Glendale area, will be closed in 1989 without a landfill expansion. Puente Hills will close in 1993 without an expansion. This will place a tremendous burden on other technologies that aren't even yet developed, let alone under construction. An incineration facility will take upwards of three years to construct. A composting facility will take generally 15 to 18

months to construct after financing is arranged. My company is concerned with the present path of waste disposal in the state...

ASSEMBLYMAN EAVES: Excuse me, let me interrupt and ask you a question. If in fact, you would be granted what you ask for, total composting, how much of an effect would that have on say Puente Hills and how long would it keep it open past this '93 close date?

MR. DINGMAN: Well, as I said, Mr. Eaves, it's difficult to offer a total solution for the mass problem we have in Los Angeles County. I think a combination of technologies is going to have to be...

ASSEMBLYMAN EAVES: I asked you a specific question about composting, how long would it extend it?

MR. DINGMAN: Okay, if composting were utilized totally in Los Angeles County for 40,000 tons of waste, you're looking at a reduction of about 90% of the materials that would have to be landfilled. Generally from a composting technology 18½ to 20% are recyclable, 3 to 6% are landfill.

ASSEMBLYMAN EAVES: What would you do with all that compost?

MR. DINGMAN: That's an excellent question. May I address that in a minute? Thank you.

ASSEMBLYMAN EAVES: You still didn't answer my question, but go ahead.

MR. DINGMAN: As was indicated by Mr. Carry of the Sanitation Districts, composting can be a viable alternative if markets are created and/or developed. Then he stated there are

no markets for compost. This was interesting since the county presently composts sewage sludge in Carson and then Kellogg markets the compost for them under several different names. In fact, a county study done in 1981 indicated that markets exist for over a thousand tons of compost a day in L.A. and Orange Counties alone, and these are in specialized markets such as home landscaping, gardening, nursery industry and some specialized agriculture. Duarte Councilman Hitt indicated that composting should be considered as an alternative. Both Mr. Carry and Mr. Roodzant from the Waste Management Board indicated that composting would be viable if markets were developed again. It is our opinion, as Chairwoman Tanner mentioned, that more attention should be given to compost market development by local, county and state governments.

From their testimony, it is evident that L.A. County and the State Waste Management Board have eliminated composting as an alternative method, because they haven't identified or haven't been able to identify compost markets. This further supports our opinion that state support and/or sponsorship of initial facilities may be necessary.

We have done our own market research that indicates it may take as much as five years to develop compost markets from one facility. But, it may only be one year, it may be six months. I may have the total markets developed before the facility actually comes on line. It's difficult to say until we decide where we're going to put the facility. As I say, we've been working in many areas.

We are confident that compost can be marketed as topsoil, as soil amendments, as a landscaping, as an erosion control agent, a mulch, so to speak. If nothing else, the topsoil market alone in Los Angeles County, over 5,000 tons a day of topsoil are sold in this county for either fill material or to undo what cut and fill operations have done and get some decent soil to grow things on. The compost functions as a topsoil replacement, therefore it could be replacing that topsoil at a much lower cost.

Currently, if alternatives are not investigated and compared to the waste-to-energy facilities currently completed as Commerce is, or under construction as the SERRF Project is, the local entities will only be able to rely on the opinions of the Sanitation Districts and the Waste Board. With initial state support of nonpolluting alternatives, further development of these alternatives can be based on actual experience, rather than speculation.

Cost-wise, composting is more cost-effective over the long-term than landfilling or incineration. The capital costs of incineration per ton processed is over three times that of composting. The actual cost of incineration as calculated by the CEC approaches \$70 a ton.

Those waste streams that are suited to composting should be composted. In our process, only 3 to 6% will need to be landfilled. These materials would be suitable Class III landfill material, as they are totally inorganic in nature, primarily composed of shredded rubber tires, rubber products, hard plastics, and those types of materials that cannot be composted.

In closing, it is apparent that waste-to-energy facilities, landfills, and composting facilities and other technologies will ultimately combine to form the overall waste disposal solution. It may take support from government agencies initially, but nonpolluting processes should be supported for the benefit of the citizenry of the state.

I would like to provide your committee and the coalition that you have formed, Chairperson Tanner, with a technical information packet on our composting process for your evaluation. From this, I would hope to initiate legislative support for nonpolluting alternatives such as composting.

CHAIRWOMAN TANNER: Thank you very much. And we will certainly be happy to receive anything that you have to give us.

MR. DINGMAN: Thank you.

CHAIRWOMAN TANNER: We have one final witness from the public, from the audience. But before that, I wonder if I could ask Mr. Weiss a question?

Mr. Carry, in his testimony, said that the reason that they were talking about two facilities within a mile and a half of each other, one of the reasons was because it was environmentally better. Could you respond to that? Is that a fact? How could it be?

MR. WEISS: Well, an engineering cautionary statement first. During the ARB presentation, you saw a slide schematically depict what happens to a plume coming out of a stack and going to a receptor.

The characteristics of that outflow depend on how much is coming out of the stack, how fast it's coming out, what temperature is coming out, a number of other factors. So, depending on the individual design, the results could be one way or the other. I'll give you a guess, for what it's worth, and that is that probably it's close to being a draw between one versus the other. In other words, I would guess it doesn't make a substantial amount of difference which way you go: two separate or one together.

CHAIRWOMAN TANNER: It would seem to me. Thank you very much. Our final witness is Robert Robinson. Mr. Robinson is a resident of West Covina.

MR. ROBERT ROBINSON: Yes, Robert Robinson, resident of West Covina.

My major concern is California's unregulated emissions, which consist of fly ash, acid gases, and volatile organics. I wish the Legislature would do all they can to speed up the process to change those unregulated emissions to give them some legal stature. One billion dollars of waste-to-energy facilities are being planned for the San Gabriel Valley, and it seems to me the knowledge base of the Federal Republic of Germany, Japan, the eastern part of the United States, the knowledge base and the legal base of those areas have been virtually ignored while the AQMD starts talking about their phony models, which I wouldn't give you five dollars for. The Legislature should tell the stationary source people of the ARB to get their equipment together and go and study the plants that exist today in the eastern United States.

CHAIRWOMAN TANNER: Yes, as I recall, the ARB representative did say that that's what they are doing, they are studying those facilities.

MR. ROBINSON: And after they get results, those results should be forwarded to the Department of Health Services. It doesn't make sense to me to invest a billion dollars and then have to retrofit and find out it's not feasible. I don't want to hear any more about models. We don't need models. The studies that the ARB is conducting need to be followed through and then the results given to the Department of Health Services, so we can find out what we're doing before we do it.

The second point I wanted to make was at least nine other states have better recycling programs than the state of California. The new recycling program that has just started, I hope it becomes politically feasible in the near future to design the best recycling program in the county instead of this. I mean, I appreciate the recycling program. It was politically difficult to get that thing going, but it's there, and it's almost useless. There's nine other states, and California should lead the nation in recycling, and I guess it's just not politically possible, and I wish you and your colleagues would do all you can to approach the problem from that way. I think even Mr. Carry would appreciate that approach, and I guess there's just too much political pressure from the other side.

CHAIRWOMAN TANNER: Yes, there is no question that recycling and the reduction of waste, the reduction of generating waste and all of those alternatives have to be used. There's no

question about it, because the landfill capacity is smaller and smaller. We certainly don't want to landfill. And I do believe that the state-of-the-art can advance, the technology can advance to the point where that waste that can't be recycled, or reduced, or composted, can finally, eventually, be detoxified or gotten rid of in a clean way, but I think that the only way that can happen is if we absolutely make demands that it happen, and just prohibit, absolutely prohibit, anything from happening further to contaminate our air, or our water, or the soil, and just make it absolutely necessary for the technologies to be developed.

MR. ROBINSON: I'm very impressed with the ponderousness of the legislative process. And it's just frustrating, as a citizen. First, the overlapping jurisdiction that Marlene Fox mentioned. That is just frustrating for a citizen to face. You really can't tell what's going on or even find out. It's also frustrating that California is starting out to reinvent the wheel and ignoring the fifteen years of experience that the Federal Republic of Germany has. Would it take a citizen's initiative to find out the legal situation in Germany and then apply that as a first approximation in California?

CHAIRWOMAN TANNER: No, clearly the ARB is doing just that, Mr. Robinson, so that...

MR. ROBINSON: Yes, the best available control technology, I guess that includes the experience of Germany.

CHAIRWOMAN TANNER: Yes, I know.

MR. ROBINSON: Okay. Thank you.

CHAIRWOMAN TANNER: Yes. Thank you very much.

Thank you very much, ladies and gentlemen. I think that this was an excellent hearing. I do believe that we got a great deal of information and that it will help us considerably to put together the legislation that we're intending to introduce early in December.

Thank you, Mr. Eaves. The meeting is adjourned.

END OF HEARING